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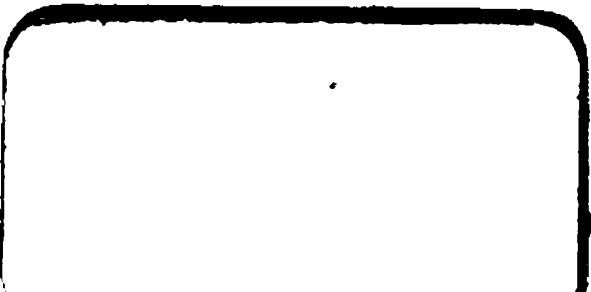
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Tennessee. Laws, statutes, etc.
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ACTS

OF THE

STATE OF TENNESSEE,

PASSED BY THE

FORTY-SIXTH GENERAL ASSEMBLY,

1889.

PUBLISHED BY AUTHORITY.

NASHVILLE:

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1889.

PUBLIC ACTS
OF THE
Forty-sixth General Assembly
OF THE
STATE OF TENNESSEE,

*Which was begun and held at Nashville on the First
Monday in January in the year of our LORD
One Thousand Eight Hundred
and Eighty-nine.*

CHAPTER 1.

AN ACT to give consent to the purchase and ownership of such lands as may be required for buildings and grounds for the erection of an Arsenal by the United States, at Columbia, and to cede jurisdiction over said lands.

WHEREAS, The Federal Government has made an Preamble. appropriation of two hundred thousand dollars for the purpose of erecting an Arsenal at Columbia, in the State of Tennessee; and,

WHEREAS, Suitable lands, being some sixty acres, adjoining the west margin of said city, have been purchased by citizens of Columbia and deeded to the United States for said purpose; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the consent of the State Consent of State given. of Tennessee be and is hereby given to said donation to and ownership by the United States of said lands as a site for the buildings and grounds of said United States Arsenal.

SEC. 2. *Be it further enacted,* That upon proper Registration of deed. registration, in the county of Maury, of the deeds to said lands so donated for the purpose aforesaid, then

the jurisdiction of the therein described premises be and the same is hereby ceded and granted by the State of Tennessee to the United States.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 17, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved January 21, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 2.

AN ACT to give consent to the purchase, by the United States, of such lands for sites of locks, dams, lock-keepers' houses, etc., as may be required in the improvement of the Cumberland River by the United States, and to grant cession of the jurisdiction over such lands.

Preamble.

WHEREAS, The Federal Congress has made appropriations for improving the Cumberland River by means of locks and dams; and,

WHEREAS, Certain lands are needed for the sites of such locks, and dams, and lock-keepers' houses appertaining to said locks; and,

WHEREAS, The United States have under consideration the selection of such sites, and the purchase of the same, by voluntary agreement or by condemnation; therefore,

Consent of State given.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the consent of the Legis-

lature of the State of Tennessee be and is hereby given to the purchase by the United States of any lands needed for such sites.

SEC. 2. *Be it further enacted*, That upon the fact of the purchase or purchases being established, by the proper registration of the conveyances of such lands acquired by the United States, for the purposes aforesaid, in the county where such lands lie, then the jurisdiction over the tracts of land, as severally described in such conveyances, be and the same is hereby ceded and granted to the United States. Registration of deeds.

SEC. 3. *Be it further enacted*, That if the agent of the United States and the owner of such lands cannot agree as to the sale and purchase thereof, the Circuit Court of the county in which such lands lie shall, on the application of such agent, ascertain the value of such lands, and decree a conveyance thereof to the United States, as follows: When Circuit Court shall ascertain value.

(1) A reasonable notice of such application or petition shall be given to the owners of such lands, or if non-residents of the county in which such lands lie, then notice shall be given by publication for four consecutive weeks in the newspaper designated by order of such Circuit Court. Notice to be given.

(2) The value of such lands shall be ascertained by any three persons agreed on by the parties, or if unable to agree, or the owner is unknown, or incapable of acting, or refuses to treat on the subject, then by three Commissioners of Award, appointed by the Circuit Judge, which persons or Commissioners of Award must be first sworn faithfully and impartially to determine such value. Commissioners.

(3) Upon ascertaining the value of such lands by such persons agreed upon, or by the Commissioners of Award, under the direction of the Circuit Judge, he must, on the payment of such value to the owner, or into Court for his use, including the cost of the proceedings, direct a conveyance of such lands by a certain time, specified in such decree, and, on failure to execute such conveyance within the time specified in such decree, the decree operates as a conveyance, and shall be so recorded and registered. The Circuit Judge may, in his discretion, allow an appeal from his decree. Decree. Appeal allowed.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 18, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved January 21, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 3.

AN ACT to be entitled An Act to change the county seat of Obion County.

Change of
county seat.

Be it enacted by the General Assembly of the State of Tennessee, two-thirds of each House concurring, That the county seat of Obion County be removed from Troy to Union City, if, upon a vote ordered and taken in the mode now prescribed by law, a majority of the voters of said county shall vote in favor of such removal.

Passed January 21, 18 9.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved.

ROBT. L. TAYLOR,
Governor.

CHAPTER 4.

AN ACT to repeal Sections 17 and 18, Chapter 25 of the Acts of 1869, in so far as the same incorporates the town of Henderson, in Chester County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That Sections 17 and 18 of Chapter 25 of the Acts of 1869, in so far as the same incorporates the town of Henderson, in Chester County, be and the same is hereby repealed, and the charter of said town is hereby abolished.* ^{Charter abolished.}

SEC. 2. *Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.*

Passed January 23, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved.

ROBT. L. TAYLOR,
Governor.

CHAPTER 5.

AN ACT to amend an Act entitled "An Act incorporating the Baptist Education Society of Tennessee, passed February 27, 1869, and for other purposes," and passed January 24, 1870, being Chapter 47, Acts of 1869-70, and particularly Section 11 of said Act incorporating the Memphis City Fire and General Insurance Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That the Act of the General Assembly of the State of Tennessee, entitled "An Act incorporating the Baptist Education Society of Tennessee, and for other purposes," passed February* ^{Act amended.}

27, 1869, and passed January 24, 1870, being Chapter 47 of the public Acts of Tennessee, and particularly Section 11 of said Act on page 304, incorporating the "Memphis City Fire and General Insurance Company," be and the same is hereby so amended as to change the name of the "Memphis City Fire and General Insurance Company" to "Memphis City Bank."

Rights not forfeited.

SEC. 2. *Be it further enacted*, That such change of name as provided for in the first section of this Act shall not operate to forfeit, effect, or abridge any franchise, right, power, privilege or immunity granted to said corporation by its original charter.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 23, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of Senate.

Approved February 1, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 6.

AN ACT to empower cities having a population of from ten thousand to fifteen thousand, under the Federal Census of 1880, to issue coupon bonds, in any amount not to exceed two hundred thousand dollars, to be known as Sewer Bonds, and the proceeds of which to be used for building and improving sewers.

Issuance of coupon bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Mayor and Aldermen of all cities of the State of Tennessee, having a population of between ten thousand and fifteen thousand under the Federal Census of 1880, shall be vested with the power and authority to issue coupon bonds

of such city or cities to an amount not to exceed two hundred thousand dollars for the purpose of building, and improving, and perfecting the sewer system of such city or cities, the proceeds of said bonds to be applied to such purpose only.

SEC. 2. *Be it further enacted*, That said bonds shall be in denominations of one hundred dollars (\$100), or multiples thereof, no single bond to be, in amount, in excess of one thousand dollars (\$1,000), with coupons attached for the semi-annual interest. They shall bear such rate of interest, not exceeding six per centum per annum, as the Board of Mayor and Aldermen may deem best; said bonds shall run twenty years from the date of issuance, provided that the said bonds shall in no case be sold for less than their face value.

Denominations
of bonds; rate
of interest.

SEC. 3. *Be it further enacted*, That before such Board or Boards of Mayor and Aldermen shall have power to issue the bonds authorized by this Act, they shall first order and hold an election by the qualified voters of said city, on twenty days' notice, published in one or more newspapers published in such city or cities, to ascertain the will of the voters in reference to issuing said bonds.

Shall hold an
election.

SEC. 4. *Be it further enacted*, That at the election herein provided to be held all persons shall be entitled to vote who are qualified to vote for city officers in such city or cities. Those in favor of issuing said bonds shall have printed or written upon their ballots the words, "For the issuance of two hundred thousand dollars Sewer Bonds;" and those opposed to the issuance of said bonds the words, "Against the issuance of two hundred thousand dollars Sewer Bonds," and if two thirds of those voting at such an election shall vote for the issuance of said bonds, then the Board of Mayor and Aldermen shall have full power and authority to issue the bonds as provided for in this Act, but not otherwise.

Qualification of
voters; two-
thirds vote nec-
essary.

SEC. 5. *Be it further enacted*, That should the proposition to issue bonds, as herein provided, be defeated at an election held for that purpose, the Board of Mayor and Aldermen, at any time after one year from such election, may cause an election to be held upon the conditions and by giving the notice hereinbefore provided; and should the act carry at the second election, or any subsequent election ordered under

Second election
provided for.

this Act, it shall become operative and in effect as it would have done in the first election.

Power restricted;
not to contract in advance.

SEC. 6. *Be it further enacted*, That the Board or Boards of Mayor and Aldermen of any city or cities, accepting the benefits of this Act, shall not have power, during the first year after the ratification of this Act by the people of such city or cities, to issue bonds exceeding in amount seventy-five thousand dollars; and during the second year in an amount not to exceed fifty thousand dollars; and thereafter the remainder as the necessity of such city or cities may require; *provided, further*, that such Board or Boards of Mayor and Aldermen shall not contract in advance for the construction of any sewer or sewers in an amount for any year in excess of the amount of bonds authorized to be issued for that year under the provisions of this Act, and any contract made in violation of this shall be utterly void as between the city and the contractor.

Make provision to pay interest.

SEC. 7. *Be it further enacted*, That the Board of Mayor and Aldermen of such city or cities as accept the benefits of this Act shall make provisions to pay the semi-annual interest, and provide for the sinking fund of the bonds authorized to be issued under the provisions of this Act.

Disposition of proceeds; bond of City Treasurer.

SEC. 8. *Be it further enacted*, That the proceeds arising from the sale of such bonds be placed, by the City Treasurer of such city or cities, in at least three banks in fairly equal amounts, such banks to be designated by the Board of Mayor and Aldermen; *provided, further*, that the bond of such City Treasurer shall be fixed in such additional sum as shall secure the safe keeping of money coming into his hands under the provisions of this Act.

Work not paid for in bonds.

SEC. 9. *Be it further enacted*, That no work, to be contracted for or done under the provisions of this Act, shall be paid for in bonds, but only out of the proceeds arising from the sale thereof.

Advertise for sealed bids; opening of bids.

SEC. 10. *Be it further enacted*, That all work contracted for or ordered under the provisions of this Act shall be advertised for sealed bids, for at least thirty days, in some newspaper published in such city, and otherwise advertised should the Board of Mayor and Aldermen deem it to the best interest of the city so to do; and that all bids shall be opened and read in open session of the Board of Mayor and

Aldermen of such city or cities, with a quorum present; *provided, further*, that the plans and specifications for such work shall be on exhibition in the City Engineer's office during the entire time of the advertisement.

SEC. 11. *Be it further enacted*, That all Acts or parts of Acts in conflict herewith be and the same are hereby amended so as to conform to the provisions of this Act, and that this Act take effect and be in force from and after its passage, the public welfare requiring it. Conflicting Acts repealed.

Passed January 29, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved February 2, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 7.

AN ACT for the relief of T. H. Benton's estate.

WHEREAS, It appears from the record books of Dyer County, and the books of the Comptroller of the State currency, that the State of Tennessee owes the estate of T. H. Benton, deceased, the sum of three hundred and thirty-four dollars and forty-seven cents in the following manner, to wit: T. H. Benton was Trustee for Dyer County for several years, including 1878 and 1881. On all settlements (except for the years 1878 and 1881) said Benton was and is square with the books, as appears from the books. But on settlement for the year 1878 T. H. Benton owes the State of Tennessee the sum of forty-eight dollars and eighty cents taxes for said year, picked up after assessments were made. On a settlement for the year Preamble.

1881 T. H. Benton overpaid the State the sum of three hundred and eighty-three dollars and twenty-eight cents, which leaves the State of Tennessee owing the said T. H. Benton the sum of three hundred and thirty-four dollars and forty-eight cents (\$334.48) balance on a settlement.

WHEREAS, T. H. Benton is now dead, and C. L. Nolen and M. E. Benton are the executors of said T. H. Benton, and desire and seek the payment from the State of Tennessee the said sum of three hundred and thirty-four dollars and forty-eight cents to the estate of T. H. Benton, deceased.

Appropriation
to liquidate
debt.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sum of three hundred and thirty-four dollars and forty-eight cents (\$334.48) be hereby appropriated to the estate of T. H. Benton, deceased, a former Trustee of Dyer County.

To draw war-
rant on State
Treasurer.

SEC. 2. *Be it further enacted*, That the Comptroller of the State currency be and is hereby directed to draw his warrant on the State Treasurer for the sum of three hundred and thirty-four dollars and forty-eight cents, payable to C. L. Nolen and M. E. Benton, the executors of said T. H. Benton, deceased, and that the same be paid out of any money in the treasury not already appropriated.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 29, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved February 2, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 8.

AN ACT to amend an Act entitled "An Act to amend the Charter of Gallatin," passed November 27, 1869.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the boundaries of the town of Gallatin, in Sumner County, are hereby changed and extended so as to take in that part of the Red River Turnpike from Blythe Street west to the east boundary line of T. F. Witherspoon, and thence running with the east boundary line of T. F. Witherspoon north to the south boundary line of Carrol Cooke, and thence with his said south boundary line east to Blythe Street, the present corporation line, so as to take in and include within the corporate limits all the lots of Mrs. Kate H. Stuart, and that Section 2 of an Act passed November 27, 1869, entitled "An Act to amend the Charter of Gallatin," is hereby amended so as to conform to this addition to the corporate limits of said town. Extension of corporation line.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it. Conflicting laws repealed.

Passed January 30, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved.

ROBT. L. TAYLOR,
Governor.

CHAPTER 9.

AN ACT to authorize the Board of Mayor and Aldermen of the town of Franklin to fund its outstanding indebtedness contracted for the purpose of rebuilding the "Town Hall," and to issue bonds in lieu of the same.

To issue bonds;
denomination
of bonds; not
to exceed \$3,500.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in order to enable the town of Franklin to meet her indebtedness the Board of Mayor and Aldermen of said town may issue interest bearing bonds, at a rate per annum not to exceed six per cent., the interest to be paid annually or semi-annually; or said Board may determine and stipulate said bonds to be in denominations of one hundred dollars, five hundred dollars, and one thousand dollars, and to be due and payable ten years after their issuance, but redeemable at the option of the said Board; the whole amount of the bonds issued not to exceed thirty-five hundred dollars, and the same to be signed by the Mayor and countersigned by the Recorder of said town.

To be sold at
par and record
kept; how to be
expended.

SEC. 2. *Be it further enacted*, That none of said bonds shall be sold at less than par, and a record shall be kept and spread upon the minutes of said Board, showing the number and denomination of each bond issued, the name of the person to whom it was sold, and the price for which it was sold; and the money derived from the sale of said bonds shall be expended in paying off the indebtedness of said town incurred in rebuilding the Town Hall, and for no other purpose; and each of said bonds, when redeemed, shall be canceled in the presence of said Board while in session, and disposed of as said Board may direct.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 30, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved.

ROBT. L. TAYLOR,
Governor.

CHAPTER 10.

AN ACT to change the times of holding the Circuit Courts of White County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this Act that the terms of the Circuit Courts of White County shall commence on the fourth Mondays in January, May, and September, instead of the third Mondays of said months, as now provided by law. Time of holding Courts changed.

SEC. 2. *Be it further enacted*, That all process issued from said Court and made returnable to the third Monday in January, 1889, shall be returnable to the fourth Monday in said month, and that all the causes now pending in said Court and triable on the third week in January, 1889, shall stand continued until the fourth Monday of said month, and that the jurors summoned to attend said Court on the third Monday in January, 1889, shall attend said Court on the fourth Monday in said month. When returns to be made.

SEC. 3. *Be it further enacted*, That all laws as to the time of holding said Courts contrary to the provisions of this Act are hereby repealed. Repeal of conflicting laws.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 31, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved February 15, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 11.

AN ACT to amend Section 1508, Chapter 1, of the Code of Tennessee [Milliken and Vertrees' Code 2006] providing for regulations relating to religious associations and their property.

Act amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 1508, Chapter 1, of the Code of Tennessee [Milliken and Vertrees' Code 2006] be and the same is hereby amended so as to add after the words "public worship" the words "or for a parsonage."

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 13, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved February 16, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 12.

AN ACT to provide for the enforcement of all liens given by statute where no method of enforcing said liens has been heretofore prescribed by statute law.

Lien enforced;
how.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That any and all liens given by statute in this State on personal property, where no method of enforcing the same has been heretofore prescribed by statute law, may hereafter be enforced by original attachment issued by any justice of the peace or court having jurisdiction of the amount claimed to

be due, on affidavit that the debt is due and unpaid, to be levied on the property upon which the lien exists, be it either in the hands of the creditor, owner, or other party not an innocent purchaser.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 13, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved February 16, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 13.

AN ACT to fix the time for holding the Chancery Courts in the Third Chancery Division of the State, and the Circuit Courts in the Fourth Judicial Circuit of the State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Chancery Courts for the counties of said Third Division shall be held at the following times : Time of holding
Chancery
Courts.

Bradley—Third Mondays in March and September.

Polk—First Mondays in February and August.

Rhea—First Mondays in April and October.

Marion—Fourth Mondays in February and August.

McMinn—Fourth Mondays in May and November.

Hamilton—Third Mondays in April and October.

James—Second Mondays in March and September.

Monroe—First Mondays in June and December.

Meigs—Fourth Mondays in March and September.

Bledsoe—Second Mondays in April and October.

Sequatchie—First Thursday after the second Mondays in April and October.

Van Buren—Three terms a year, at same time as Circuit Court, to be held by the Circuit Judge.

Grundy—Three terms a year, at same time as Circuit Court, to be held by the Chancellor or Circuit Judge for said county.

By whom held.

SEC. 2. *Be it further enacted*, That said courts shall be held by the Chancellor of said Third Division, except for Van Buren and Grundy Counties, which shall be held as herein provided.

**Time of holding
Circuit Courts.**

SEC. 3. *Be it further enacted*, That the Circuit Courts for the counties of the Fourth Judicial Circuit shall be held at the following times:

Bradley—First Mondays in January, May, and September.

Polk—Third Mondays in February, June, and October.

Meigs—Fourth Mondays in February, June, and October.

Rhea—First Mondays in March, July, and November.

Bledsoe—Third Mondays in March, July, and November.

Sequatchie—Fourth Mondays in March, July, and November.

Marion—First Mondays after the fourth Mondays in March, July, and November.

Hamilton—Third Mondays in January, May, and September.

McMinn—Second Mondays in April, August, and December.

James—Fourth Mondays in April, August, and December.

**By whom held;
how dockets
shall be called.**

SEC. 4. *Be it further enacted*, That said courts shall be held by the Circuit Judge of said Fourth Judicial Circuit, and, when holding the courts for Hamilton County, the Criminal Docket shall first be called and disposed of before calling the Civil Docket. During the call of the Criminal Docket it shall not be lawful for the Circuit Judge to act upon any demurrer, motion, or other question in any civil case, but all such questions shall be reserved for the call of the Civil Docket.

SEC. 5. *Be it further enacted*, That the Clerks of Circuit Courts, in all the counties in which the time of holding the courts are changed by this Act, shall, at the times fixed, and preceding the times as fixed by this Act, open said courts, and in all criminal cases take recognizances from defendants therein to the next term of court thereafter, as fixed by this Act; and if such defendants fail to appear and enter into recognizances for such appearances, then the Clerk shall have such defendants called out, and enter up in due form judgment by forfeiture against such defendants, and issue *scire facias* against such defendants and their sureties, returnable to said next term, and thereupon adjourn the court to said next term, as fixed by this Act, without the presence of the Judge, in same manner as if the Judge were present; and all process now issued, and hereafter issued in civil cases, shall be returnable to the terms as fixed by this Act.

Duties of clerks.

SEC. 6. *Be it further enacted*, That the Act of 1887, Chapter 13, passed February 16, 1887, entitled "An Act to fix the time for holding the Chancery Courts in the Third Chancery Division, and to authorize the Chancellor of that division to try the Civil Docket of the Circuit Court in Hamilton County, and to authorize the Judge of the Fourth Judicial Circuit to hold certain Chancery Courts in the Third Chancery Division, and to change the time of holding the Circuit Courts in the Fourth Judicial Circuit, so as to enable the said Judge and Chancellor, by mutual co-operation, to dispose of all the business in said courts," together with all other laws in conflict with this Act, be and the same are hereby repealed.

Repeal of conflicting laws

SEC. 7. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 14, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved February 16, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 14.

AN ACT to change the time of holding the Circuit Courts of the Seventh Judicial Circuit, and to amend Section 4, Chapter 20, of the Acts of the Extra Session of the General Assembly of the State of Tennessee passed June 11, 1885, and approved June 12, 1885, and entitled "An Act to divide the State of Tennessee into Judicial Circuits and Chancery Divisions, and provide for the administration of justice, and to fix the time of holding the terms of said Circuit, Chancery and other courts.

Amendment of
Act.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 4 of Chapter 20 of the Acts of the General Assembly of the State of Tennessee, passed at the Extra Session on June 11, 1885, and approved June 12, 1885, be and the same is hereby amended so as to read as follows, to wit: The Circuit Court shall be held in Davidson County second Monday in October, second Monday in February, first Monday in May; Williamson County, first Monday in September, first Monday in January, first Monday in April; Cheatham County, first Tuesday in October, first Tuesday in February, third Tuesday in June.

When returns
to be made.

SEC. 2. *Be it further enacted*, That hereafter all bonds shall be taken and all process be made returnable to said court at the times fixed in this Act for holding the same, and all bonds or recognizances taken at or after the last term of said court as held under the existing laws of this State, and all process issued or bonds taken after that time shall be returnable to the first term of said court to be held in that county under the provisions of this Act.

Repeal of
conflicting laws.

SEC. 3. *Be it further enacted*, That all laws in conflict with this Act be and the same are hereby repealed.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 14, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved February 15, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 15.

AN ACT to fix the time of holding the terms of the several Circuit Courts of the Twelfth Judicial Circuit of the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That from and after May 1, 1889, the terms of the several Circuit Courts of the Twelfth Judicial Circuit of the State shall be held as follows: Time of holding
Circuit Courts.

Obion County—Troy—On the first Mondays of March, July, and November. Union City—Third Mondays in February, June, and October.

Carroll County—First Mondays in January, May, and September.

Henry County—Third Mondays in January, May, and September.

Weakley County—First Mondays in February, June, and October.

Gibson County—At Humboldt—Second Mondays in March, July, and November. At Trenton on the fourth Mondays of March, July, and November.

Crockett County—On the second Mondays in April, August, and December.

Haywood County—On the third Mondays in April, August, and December.

SEC. 2. *Be it further enacted,* That all bonds and recognizances hereafter taken, and all process issued and returnable to any of said courts as they now exist, shall be deemed and held valid and binding, and all bonds taken and process issued after this Act takes effect shall be returnable to the terms of the courts as fixed in this Act. When returns
to be made.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act take effect as herein provided. Repeal of
conflicting laws.

Passed February 15, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved February 20, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 16.

AN ACT making it a misdemeanor to take from one's inclosures or premises his horse, mule, or other animal for temporary use without the consent of the owner.

Misdemeanor.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be declared a misdemeanor for any person or persons to enter the inclosures or premises of another and take therefrom, without the latter's consent, his horse, mule, ass, or other beast of burden, for the purpose of riding, working, or otherwise temporarily using it and then returning it, or abandoning it upon the highway.

Aiding and abetting.

SEC. 2. *Be it further enacted*, That any person or persons aiding and abetting another in the commission of the offense mentioned in Section 1 of this Act, shall be declared guilty, and punishable as the principal.

Penalty.

SEC. 3. *Be it further enacted*, That any one found guilty of violating Sections 1 and 2 of this Act shall be punished by fine not less than ten nor more than one hundred dollars, or may be imprisoned in the county jail not more than twelve months, or both, at the discretion of the court.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 15, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved February 20, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 17.

AN ACT to change the name of the Virginia, North Carolina, Tennessee, and Western Railway Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the corporate name of the Virginia, North Carolina, Tennessee and Western Railway Company, whose charter of incorporation was granted under the general laws of the State of Tennessee, and filed in the office of the Secretary of State at Nashville, Tennessee, on the 11th day of May, 1888, be and the same is hereby changed to the Virginia, Missouri and Western Railway Company, by which name it shall hereafter be known. ^{Change of corporate name.}

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 18, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved February 20, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 18.

AN ACT to repeal the charter of the town of Randolph, in Tipton County, in the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the charter of the town of Randolph, in the State of Tennessee, Tipton County, with amendments passed by the Acts of the General ^{Charter repealed.}

Assembly of the State of Tennessee of 1837-38, being Chapter 11, and passed January 12, 1838, and all subsequent amendments of the same, be and the same are hereby repealed.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 19, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved February 23, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 19.

AN ACT to levy and collect taxes for Taxing District of Shelby County, Tennessee, for the two years, 1889 and 1890.

Tax levied.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the annual tax for the years 1889 and 1890 is hereby levied on all taxable property, real and personal, including merchants' capital, capital invested, corporate stock, and capital stock of corporations within the territorial limits of said taxing district as follows; (\$2.35) two dollars and thirty-five cents on the \$100 of valuation in the eight original wards, and (\$1.67) one dollar and sixty-seven cents on the \$100 in the ninth and tenth wards as they existed at the repeal of the charter of the City of Memphis.

How to be appropriated.

SEC. 2. *Be it further enacted*, That of the proceeds of the above tax when collected the following sums

are hereby appropriated: (\$6,500) six thousand five hundred dollars to pay the Brush Electric Light Company for the amount due them for continuing the lights the latter part of 1888; (\$11,250) eleven thousand two hundred and fifty dollars to pay for the two steam fire engines and five thousand feet of hose now in hands of Commissioners and not yet paid for; (\$3,000) three thousand dollars to pay the balance due the Memphis Water Company, it being the unpaid balance due them on 1888 contract.

SEC. 3. *Be it further enacted*, That of the proceeds of the above tax levy there shall be appropriated for ^{Annual} appropriation. each year the several amounts as follows:

| | |
|--|----------|
| To the Police Department not more than..... | \$52,000 |
| To the Fire Department not more than..... | 60,500 |
| To the Lighting Department not more than.. | 23,500 |
| To the School Department not more than..... | 27,600 |
| To the School Building Department not more than | 23,000 |
| To the Board of Health, Garbage, Sanitation, and Water Department..... | 60,000 |
| To the Hospital Department not more than.. | 11,500 |
| To the Sinking Fund not more than..... | 27,000 |
| To the Interest on Bonded Debt not more than | 195,600 |

SEC. 4. *Be it further enacted*, That of the proceeds of the foregoing tax levy there shall be appropriated ^{Surplus, how} disposed of. each year the sum of \$149,500, together with any and all surplus which may accrue to or arise from the sums appropriated in Sections 2 and 3 not needed for the maintenance of the aforesaid departments or purposes as specified in Sections 2 and 3 to the Street, Bridge, and Sewer Departments.

SEC. 5. *Be it further enacted*, That all laws and ^{All laws in} force. parts of laws now in force, or that may hereafter be passed for the collection of other State taxes, shall be and are hereby declared to be in force for the collection of these taxes, and Section 2 of the Act commonly called the "Sewer Act," passed December 23, 1879, at the Extraordinary Session of the Forty-first General Assembly of the State be and the same is hereby declared to be in full force so far as applicable to the taxes here levied.

SEC. 6. *Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.*

Passed February 21, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved February 26, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 20.

AN ACT to change the county line between the counties of Knox
and Union.

County line
changed.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That the county line between the counties of Knox and Union be so changed as to include all of the farm of Rev. Hugh Caldwell in the county of Knox.*

SEC. 2. *Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.*

Passed February 21, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved February 26, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 21.

AN ACT to change the line between the counties of Scott and Morgan.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the counties of Scott and Morgan be so changed as to include all the lauds of Solomon Young and John B. Young in the county of Scott. County line changed.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 21, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved February 26, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 22.

AN ACT to change the rule of evidence in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter in all the courts of this State comparison of disputed writing or signatures with any writing or signatures proved to the satisfaction of the judge to be genuine, shall be permitted to be made by expert witnesses, and such writing or signatures, and the evidence of expert witnesses respecting the same, shall be submitted to the Comparison of writing.

court or courts and jury as evidence of the genuineness or otherwise of the writing or signature in dispute.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 21, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved February 26, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 23.

AN ACT to fix the time of holding the terms of the several Chancery Courts of the Tenth Chancery Division of the State.

Time of holding
Chancery
Courts.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after April 1, 1889, the terms of the several Chancery Courts of the Tenth Chancery Division of the State shall be held as follows:

For Weakley County—Second Mondays of January and July, at Dresden.

Obion County—At Union City, fourth Mondays of January and July; at Troy, second Mondays of April and October.

Fayette County—First Mondays of February and August, at Somerville.

Gibson County—At Humboldt, third Mondays of February and August; at Trenton, first Mondays of May and November.

Haywood County—First Mondays of March and September, at Brownsville.

Tipton County—Third Mondays of March and September, at Covington.

Lauderdale County—First Mondays of June and December, at Ripley.

Dyer County—Third Monday of June and second Monday of December, at Dyersburg.

SEC. 2. *Be it further enacted*, That all process issued and returnable to any of said Courts, if issued before April 1, 1889, shall be issued and returnable to the terms of said Court as they now exist, and shall be deemed and held valid and binding; if issued on or after April 1, 1889, such process shall be made returnable to the terms of the Court as fixed by this Act. When returns
to be made.

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed, and that this Act take effect as herein provided, to wit: on April 1, 1889, the public welfare so requiring. Conflicting laws
repealed.

Passed February 21, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved February 23, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 24.

AN ACT to change the line between the counties of Union and Grainger.

County line
changed.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That the county line between the counties of Union and Grainger be and the same is hereby so changed as to include the lands of G. W. Hollinsworth, Wm. Hollinsworth, B. M. McPhetridge, and B. Shelton in the county of Grainger.*

SEC. 2. *Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.*

Passed February 21, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved February 23, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 25.

AN ACT to change the county line between the counties of Bledsoe and Rhea.

County line
changed.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That the county line between the counties of Bledsoe and Rhea be and the same is hereby so changed as to include all lands of Oxshee John Thurman, lying in Rhea County, within the limits of Bledsoe County.*

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 21, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved February 23, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 26.

AN ACT to change the county line between Fentress and Cumberland Counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the counties of Fentress and Cumberland be so changed ^{County line changed.} as to include all of the tract of land known as the B. T. S. Jones entry, now belonging to E. S. Jones, in the county of Fentress.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 21, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved February 23, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 27.

AN ACT to enable cities that had a population of between ten and fifteen thousand inhabitants under the Federal census of 1880, to improve their streets, and to issue bonds for that purpose.

Streets permanently paved.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That each and every street in cities that had a population of between ten and fifteen thousand inhabitants under the Federal census of 1880 may be permanently paved under the provisions of this Act, as hereinafter set forth; the pavements to be paid for with the proceeds of the bonds to be issued under this Act, and to be sold for that purpose, and the principal of said bonds to be paid by a tax upon the property abutting on said street. The boundaries of the property to be taxed upon such streets as shall be paved under this Act where the same does not run through from street to street, shall be the proprietary lines of the property between the streets upon which the property fronts and the street in the rear of such property. Where property runs through from street to street the boundary lines as to such property shall be midway between the streets on which it fronts.

Form of application to have streets paved.

SEC. 2. *Be it further enacted*, That on written application, as herein provided, of the owners of two-thirds of the property, according to frontage on any street, or part thereof, not less than two consecutive blocks, the Board of Mayor and Aldermen may order the same to be paved with asphalt, stone, blocks, brick, or macadam, or otherwise, as may be agreed upon by the owners of two-thirds of the property, according to front footage represented in such written application as hereinafter set forth. Said application shall be signed by the owners of the property, or their legal representatives, and shall be in the following words: To the Board of Mayor and Aldermen of the city of ———, We, the undersigned, hereby petition your honorable body to authorize the laying of a permanent pavement on ——— street, from ——— to ———, and to issue bonds therefor under an act of the General Assembly of the State of Tennessee for that purpose, passed on the — day of ———, 1889.

Signed ———, and hereby recommend the following property owners as a Board of Works to supervise the same ———. Each signer shall designate opposite his signature the number of front feet represented by him, and the character of pavement desired by him, and the material designated by the owners of two-thirds of the property represented in such petition, according to front footage, shall be selected.

SEC. 3. *Be it further enacted*, That on a written application, as hereinbefore provided, the Board of Mayor and Aldermen of such city or cities as accept the benefits of this Act is hereby vested with full power and authority to issue coupon bonds of such city or cities to the amount of five hundred thousand dollars, to be issued and used for the improvement of the streets of such city or cities; *provided*, that before any street or part thereof shall be paved under this Act the Mayor of such city or cities, after advertising the same for twenty days according to law, shall cause an election to be held to decide the question of the issuance of said bonds. Those voting for the issuance of bonds shall have printed or written upon their ballots the words, "For the issuance of five hundred thousand dollars street improvement bonds," and those opposed to the issuance of bonds shall have printed or written upon their ballots the words: "Against the issuance of five hundred thousand dollars street improvement bonds." If at an election held under the provisions of this Act two-thirds or more of all the votes cast shall be in favor of the issuance of said bonds, the Board of Mayor and Aldermen shall from time to time, as the same may be required under the provisions of this Act, issue the said \$500,000 street improvement bonds. Said bonds shall be payable fifteen years after the date of their issuance; shall bear interest at a rate not exceeding six per cent. per annum, payable semi-annually; shall be of the denomination of \$100 each, or multiples thereof; and shall not be negotiated at less than their face value; *provided*, that no more bonds shall be issued at any one time than the proceeds of which are necessary to pay for the street or streets, or part of a street, then under contract to be paved. Each bond issued shall bear a coupon for each semi-annual installment of interest due on such bond. All of said bonds shall be signed by the Mayor

and the City Auditor, and attested by the signatures of the Sinking Fund Commissioners, hereinafter provided for, and the seal of the city affixed thereto, and shall be registered in a book kept for that purpose. No bonds shall be issued under the provisions of this Act to pave the street, or part thereof, except where a permanent sewer or sewers shall have been laid in such street, or part thereof, where sewers shall be necessary in said street; the necessity or non-necessity of the same to be indicated by the certificate of the City Engineer at the order of and approved by the Mayor and Aldermen.

Board of Works
and their
powers.

SEC. 4. *Be it further enacted*, That when it shall have been determined to pave the street or part thereof in the manner herein provided, the Board of Mayor and Aldermen shall organize a Board of Works consisting of five members, for such street or part thereof in the following manner. The City Engineer and Chairman of the Street Committee shall be ex-officio members of such Board, and the Board of Mayor and Aldermen shall elect three members who shall be property owners on such street or part thereof to be paved; *provided*, that the property owners in the written application above provided for may indicate the three persons whom they desire elected by said Board of Mayor and Aldermen; *provided, further*, that not more than three of such Board of Works shall be of the same political party; and in the case of vacancy in said Board, by death, resignation or otherwise, the creative power in the first instance shall supply the vacancy. It shall be the duty of the Board of Works for each street, or part thereof, to provide specifications for paving the same with such materials as shall have been selected as hereinbefore provided; to let the contract under such regulations as they may adopt to the lowest responsible bidder; to supervise the works, receive or reject the work when completed as their contract may justify, and report to the Board of Mayor and Aldermen, giving estimates and amount due under the contract. When the Board of Works shall have closed the contract for paving they shall submit the same, duly signed by the City Engineer and their Secretary, to the Mayor, who shall countersign the same, and his signature, officially made, shall be binding upon the city. On receipt of the report of a Board of Works, show-

ing that they have accepted the work done, and giving estimates and amount due, the Board of Mayor and Aldermen shall order the same paid out of the proceeds of the bonds issued and sold for that purpose. The members of the Board of Works herein provided for shall serve without compensation, and their terms of office shall cease when their report, showing that they have accepted the work done, shall have been accepted by the Board of Mayor and Aldermen.

SEC. 5. *Be it further enacted*, That it shall not be lawful for any member of any Board of Works herein provided for to become a contractor directly or indirectly, in any contract for paving under the operation of this Act, and any violation hereof shall utterly vitiate and make void such contract, and all work, or the value thereof, shall be forfeited to and become the property of the city, or Board of Mayor and Aldermen thereof, and said Mayor and Aldermen shall have the right to sue such contractors or their securities personally, and on any bond that they may have executed for the faithful completion of the work; *provided*, it shall not affect the validity of bonds issued under such contract.

Members of
Board of Works
not to become
contractors.

SEC. 6. *Be it further enacted*, That when any street, or part thereof, shall have been paved under the provisions of this Act the Board of Mayor and Aldermen shall levy a street tax each year thereafter, for fifteen years, upon the property abutting upon such paved streets, or part thereof, equal to one-fifteenth part of the entire cost of such paving; except the street crossings, which shall be paid for by the city at large, and except further, the cost of such portion of said paved street or part thereof as shall be used by and paid for by street railways or other transportation companies. Said tax shall be equal and uniform upon all property so taxed, according to the assessed valuation thereof, and shall be collected at the same time and in the same manner as other city taxes; *provided*, that this Act shall not be understood to exempt any property taxed under its provisions from taxation in common and alike with other property of the city: *provided, further*, that the funds collected from the special tax herein provided for, shall be at once paid over to Sinking Fund Trustees, or Commissioners, who shall at once invest the same to best advantage either in the purchase of bonds of such city or cities

Tax levied;
City to pay for
crossings;
Street railways;
Sinking fund.

as accept the benefits of the Act, or by loaning the same on unquestioned security, the preference to be given, however, to purchasing the city's bonds unless the premium asked shall, in the opinion of the said Trustees, be too high; and said Sinking Fund Trustees shall be the same as those provided by law for other city bonds of such city or cities; *provided*, that the bond of such Sinking Fund Commissioners shall be increased to an amount sufficient to cover the amount of funds going into their hands under this Act, the bond at no time to exceed \$500,000 for the purposes of this Act.

Same material
to be used.

SEC. 7. *Be it further enacted*, That when any portion of a street shall have been paved under the provisions of this Act all subsequent paving on unpaved portions of such street shall be of the same kind and character as that previously done, unless otherwise ordered by the Board of Mayor and Aldermen.

Repairs.

SEC. 8. *Be it further enacted*, That the Board of Mayor and Aldermen shall provide for keeping in repair the streets paved under the provisions of this Act.

Interest on
bonds.

SEC. 9. *Be it further enacted*, That the Board of Mayor and Aldermen shall each year levy a tax upon all taxable property sufficient to pay the interest on the bonds herein provided for, and shall pay the interest on said bonds as it shall fall due.

Election, who
to vote.

SEC. 10. *Be it further enacted*, That at an election under the provisions of this Act, upon the question of the issuance of bonds all persons shall be entitled to vote who are legally entitled to vote for city officers.

Failure; second
election.

SEC. 11. *Be it further enacted*, That should the proposition to issue bonds, as herein provided, be defeated at an election held for that purpose the Board of Mayor and Aldermen, at any time after one year from such election, may cause an election to be held upon the condition and by giving the notice hereinbefore provided for; and should the Act carry under the second election, or any subsequent election ordered under this Act, it shall become operative and in effect as it would have done in the first election.

Proceeds of
bonds only to
be used.

SEC. 12. *Be it further enacted*, That no board of works organized under this Act shall have the right to contract for any work to be paid for with the bonds of such city or cities as accept the benefits of the Act,

but only with the proceeds arising from the sale of such bonds issued and sold for such purposes.

SEC. 13. *Be it further enacted*, That the charter of such city or cities, and all acts amendatory of said charter, and all parts of said acts, especially such portion of said charter as was enacted November 10, 1869, also Chapter 143 of the Acts of 1871, entitled "An Act to authorize the Mayor and City Council or Mayor and Aldermen of any incorporated city or town in the State of Tennessee, having a population of 20,000 and upward, to issue the bonds of said city or town to the amount of \$300,000;" also Chapter 59 of the Acts of 1873, passed March 20, 1873, entitled "An Act to provide for issuance of bonds by cities;" also Chapter 10 of the Act of 1887, entitled "An Act to authorize municipal corporations to settle their indebtedness;" also, an Act passed March 20, 1875, entitled "An Act to regulate and organize municipal corporations of certain population, and for the increase and diminution of their powers;" also Chapter 121 of the Acts of 1877, entitled "An Act to amend an Act entitled an Act to regulate and organize municipal corporations, and for the increase and diminution of their powers, passed March 20, 1875, and approved March 23, 1875;" also Chapter 234 of the Acts of 1883, entitled "An Act to amend the charter of the city of Chattanooga, Tenn., and all acts heretofore amendatory thereof;" also Chapter 113 of the Acts of 1885, entitled "An Act to amend the charter of the city of Chattanooga, Tenn., and all acts amendatory thereof;" also Chapter 123 of the Acts of 1887, entitled "An Act to create a Board of Public Works for the city of Chattanooga for the purpose of improving the streets and providing necessary sewerage in said city, and to enable said Board of Public Works to carry out the provisions of this Act to authorize the Mayor and Aldermen to issue \$500,000 in bonds for said purpose, and to provide a sinking fund;" also Chapter 200 of the Acts of 1887, entitled "An Act to repeal Sections 9 and 10 of Chapter 234 of the Acts of 1883, entitled 'An Act to amend the charter of the city of Chattanooga, and all acts amendatory thereof,'" shall be and the same are hereby amended so as to conform to the provisions of this Act, and any and all other amendatory acts inconsistent with the provisions of this Act are hereby repealed.

Charter; Acts amended so as to conform to this Act; conflicting Acts repealed.

SEC. 14. *Be it further enacted*, That this Act shall take effect and be in force from and after its passage, the public welfare requiring it.

Passed January 22, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved January 24, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 28.

AN ACT to amend the Charter of West Knoxville, and authorize it to borrow money and issue bonds for corporate purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the corporation of West Knoxville shall have and possess all the rights, powers, and privileges, and be governed by the regulations and restrictions hereinafter prescribed and enumerated, as follows, to wit:

Rights and
powers.

SEC. 2. *Be it further enacted*, That the corporation shall have perpetual succession, shall sue and be sued, implead and be impleaded in all the courts of law and equity, and in all actions whatsoever; may purchase, receive, and hold property, real and personal, within said town, and may purchase, receive, and hold property, real and personal, beyond the limits of the town to be used for the burial of the dead, for the erection of water-works houses, or houses of correction, and public parks, and other corporate purposes, and may sell, lease, or dispose of such property for the benefit of the town, and do all other acts touching the same as natural persons; it shall have and use a common seal, and may change it at pleasure.

SEC. 3. *Be it further enacted*, That the officers of

the town of West Knoxville, to be chosen by the people, shall be a Mayor and Board of Aldermen, constituting a Town Council, each and all of whom shall be citizens of and voters in the said town. The Board of Aldermen shall consist of six members, chosen by the qualified voters of said town for two years. No person shall be an Alderman unless he has been for six months, and then be, a *bona fide* resident of the town. Any Alderman, after his election, removing from the town shall thereby vacate his said office.

Officers, how
chosen.

SEC. 4. *Be it further enacted*, That the Town Council shall, at its first meeting in each year, elect a Recorder, Marshal, and such other officers, servants, and agents as they may deem necessary, and may provide for by ordinance, and shall have power to prescribe the duties of same, all of which officers, agents, and servants shall be *bona fide* citizens of and voters in said corporation. The Town Council shall also fix the compensation of such officers, etc., before their election, which compensation shall not be increased or diminished during their continuance in office. The Council shall also have power to dismiss any officer, servant, or agent elected, or by them appointed, two-thirds of said Council concurring in such dismissal, for any misdemeanor or misconduct. The Town Council shall also fix the salaries of the Mayor and Board of Aldermen to be chosen for the next corporate term at the regular election, to be held on the second Saturday in March, to serve for the ensuing two years, which compensation shall not be changed unless two-thirds of the new Board of Mayor and Aldermen concur therein, and then not increased during their continuance in office. The salaries of any of the other officers, agents, and servants shall be fixed by the incoming Board of Mayor and Aldermen.

Duties of town
council.

SEC. 5. *Be it further enacted*, That the Town Council shall have power, by ordinance, within the town—

Powers of town
council.

1. To assess property for taxes, and to levy and collect, by proper officers, taxes upon all real and personal property, polls, and privileges taxable by the laws of the State.

2. To appropriate money, and provide for the debts and expenses of the town.

3. To make regulations to prevent the introduction of contagious diseases into the town, or appoint a

Board of Health for the purpose, and to enforce the same within one mile of the town limits.

4. To establish hospitals, and make regulations for the government of the same.

5. To establish a system of free schools, and maintain them by taxation, and to regulate the said schools so as to avoid sectarian influence.

6. To make regulations to secure the general health of the inhabitants, and to prevent nuisances.

7. To provide the town with water-works, or contract with others for water within or beyond the town limits, for town or corporate purposes.

8. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve, clean, and keep in repair streets, pikes, highways, alleys, and sidewalks, or to have the same done.

9. To erect, establish, and keep in repair bridges, culverts, sewers, and gutters.

10. To provide for lighting the streets and public buildings and places.

11. To erect market-houses, to establish markets, and regulate the same.

12. To provide for the erection of all buildings necessary for the use of the town.

13. To provide for the inclosing, improving, and regulating all public grounds belonging to the town, in or out of the town limits.

14. To license, tax, or regulate every thing or person licensed, taxed, or regulated by the State or county.

15. To regulate or prohibit and suppress all disorderly houses, or bawdy houses.

16. To provide for the prevention or extinguishment of fires, to organize and establish fire companies, regulate, restrain, and prohibit the erection of wooden buildings in any part of the town, to regulate and prevent the carrying on of manufactures dangerous in causing and producing fire.

17. To regulate the storage of gunpowder, tar, pitch, rosin, saltpetre, asafœtida, guncotton, and all other combustible materials, and the use of light, candles, and stove-pipes in all stables, shops, and other places.

18. To establish standard weights and measures, and regulate the weights and measures to be used in the town in all cases not otherwise provided for by law.

19. To provide for the inspection of lumber and other building materials.

20. To provide for the inspection and weighing or measuring of every thing not prohibited by State laws.

21. To regulate the Police of the town, to impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for the recovery and appropriation of the same, and to appoint an officer for the town, who shall be the Recorder, before whom such recovery may be had, not, however, to exclude the jurisdiction of any other competent court.

22. To provide for the arrest and confinement, until trial, of all disorderly or notorious persons within the town, by day or by night; to authorize the arrest and detention of all suspicious persons found violating any ordinance of the town.

23. To prevent, and punish by pecuniary penalties or otherwise, all breaches of the peace, noise, or disturbances, disorderly assemblies in any alley or street, house, or place in the town, by day or by night.

24. To prevent and remove all encroachments into and upon all streets, lands, parks, avenues, and alleys established by law or ordinance.

25. To remove all obstructions from the sidewalks, and to provide for the construction and repair of all sidewalks and curbstones, and for cleaning the same, and of the gutters, at the expense of the owners of the ground fronting thereon.

26. To regulate, tax, license, or suppress the keeping or going at large of animals within the town, or any prescribed or designated part of the town; to provide pounds, and to impound any animal or animals, and, in default of redemption, in pursuance of ordinance, to sell, dispose of, or kill the same.

27. To pass all ordinances, not contrary to the Constitution and laws of the State, that may be necessary to carry out the provisions and full intent and meaning of the object of their incorporation.

28. To commit any person or persons who may fail or refuse to pay or secure any fine or cost imposed on him or them by any ordinance of said town to the jail or work-house of said town, or to the jail or work-house of Knox County, until such fine and cost be fully paid or secured; every person so committed to the jail or work-house shall be required to work

for the town, at such labor as his or her health and strength will permit, within or without said jail or work-house, not exceeding ten (10) hours each day; and for such work the person so employed shall be allowed, exclusive of his board, a credit upon such fine and cost of not less than twenty-five cents a day until the whole is discharged, when he shall be released; *provided*, that no person shall be compelled to work longer than three months for any one offense.

29. Said corporation may contract with Knox County to be allowed to commit prisoners to the jail or work-house of said Knox County upon such terms as can be agreed upon.

30. To prepare and have published a digest or compilation of all the ordinances and resolutions of a public nature, in force, within six months after the passage of this Act, and a like digest or compilation thereafter as often as may be needed.

31. No member of the Town Council shall become a bondsman for any agent, officer, or servant of the town, nor be interested, directly or indirectly, in any contract with the corporation; nor shall any officer of the Town Council vote on any proposition in which he has pecuniary interest.

32. To judge of the qualifications, elections, and returns of its own members; to prescribe rules for the determination of contested elections, and to determine how vacancies shall be filled, and to determine all questions in case of ties in any election, and to prescribe rules for the government of the Board of Mayor and Aldermen.

Election, by
whom held.

SEC. 6. *Be it further enacted*, That the election for Mayor and Board of Aldermen of said town of West Knoxville shall be held by the Marshal of the corporation, aided by two clerks only and three judges, all of whom shall be legal voters in said town, on the second Saturday of March in every two years, after giving ten days' notice. The voters shall vote by ballot, and under such rules and regulations as the Board of Mayor and Aldermen may prescribe as to the place, hours, etc., of voting by ordinance. The officers of the town thus chosen shall go into office on the third Saturday in March, to hold office for two years, or until their successors are elected and qualified. The following shall be the qualifications for voting in town elections:

1. He shall be qualified to vote for State and county officers.

2. He shall have resided for six months next preceding the election within the town limits, and shall be a male, and a *bona fide* owner of real estate within the town limits of the assessed value of at least five hundred dollars, as shown by assessment next preceding his offer to vote.

3. A voter's residence is hereby defined as the place at which he habitually sleeps.

SEC. 7. *Be it further enacted*, That the judges and clerks to hold the election shall be sworn and qualified according to the election laws of the State, and the said election shall be conducted, in all respects, as all the various State and county elections, by virtue of the election laws of the State. The judges and clerks shall file the poll list with the Town Recorder, who shall preserve the same. Election, how held.

SEC. 8. *Be it further enacted*, That the person receiving the highest number of votes respectively for Mayor and Aldermen shall be declared elected, and it shall be the duty of the officer holding said election to make out and deliver to the Recorder a certificate of their election within three days thereafter, which certificate shall be produced at the first meeting of the Board, and a minute thereof shall be made upon the records of the town; and if the Marshal shall fail to hold said election at the time herein mentioned it shall be his duty to hold it as soon thereafter as may be, after giving the requisite notice, and for failure to hold the election as prescribed in this Act he shall forfeit and pay to the said corporation the sum of fifty dollars, to be recovered by action of debt in the name of West Knoxville; and if there be no Marshal, or he be a candidate for any office, or incompetent for any reason, the election shall be held by a person to be appointed by the Mayor and Aldermen under the same regulations and penalties as are hereinbefore prescribed. Officers holding election, duties of.

SEC 9. *Be it further enacted*, That a majority of the Town Council shall be a quorum to do business, and if the Mayor, or any of the Aldermen, or any officer, should die, resign, or move out of the town limits, the vacancy shall be supplied by the Council at its next meeting, or as soon thereafter as may be, and the person or persons so elected shall perform the same du- Quorum.

ties and be vested with the same powers and privileges as the person whose duties they are appointed to fill; and upon like condition the Mayor and Aldermen, and all officers, shall respectively take an oath before entering upon the duties of their office, to execute the same faithfully and impartially, and the Mayor and Aldermen shall also take an oath to support the Constitution of the United States and the Constitution of the State of Tennessee.

Mayor, term of
office and qual-
ifications.

SEC. 10. *Be it further enacted*, That the Mayor shall hold his office for two years and until his successor shall be elected and qualified. No person shall be elected Mayor who is not at the time of his election a citizen of the State of Tennessee, and has not been for six months, and is not then a *bona fide* citizen of and voter in said town. A vacancy in the office of Mayor shall be filled by the Board of Aldermen. The Mayor may fill all vacancies occurring in any office except that of Aldermen, until the same be filled by the Town Council. It shall be the duty of the Mayor to preside at all meetings of the Council, to vote in the election of all officers of the town and in all cases where there is a tie vote. All ordinances or resolutions shall be approved and signed by the Mayor on or before the next meeting of the Council, and the Mayor shall have veto power, and if he should refuse to approve any ordinance or resolutions, he shall return same to the Council at its next meeting with his reasons in writing for his refusal, and said ordinance or resolution shall not be valid unless the Council, by a two-thirds vote, pass same notwithstanding the Mayor's veto; but if the Mayor does not veto same as provided, it shall be valid without his signature. The Mayor shall also take care that all the ordinances of the town are duly enforced, respected, and observed within the town limits; shall call special sessions of the Council when he may deem expedient, and to perform such other duties as the Town Council may, by ordinance or otherwise, impose upon him. A Recorder's Court is hereby established, and the Recorder is hereby vested with all the powers of a Justice of the Peace in criminal cases, and shall try all offenses against the peace and dignity of the town of West Knoxville; *provided*, however, that a change of venue may be had in any case when affidavit is made by the accused, and at least one disinterested party,

Recorder,
power of.

that justice, in their opinion, will not be meted out by the Recorder, to any Aldermen of the town of West Knoxville who is hereby authorized to try and decide such case or cases. In the event an appeal is taken from any fine imposed by the Recorder or Alderman of said town for violation of any of its ordinances to the Circuit Court of Knoxville, Tennessee, the person so appealing shall give bond and security for the payment of said fine and cost, and to abide by and perform the judgment of the Court on appeal, and shall in no case be entitled to an appeal from said fine and cost on the pauper's oath. The Marshal shall acquaint himself thoroughly with the laws and ordinances of the town, and it shall be his duty to rigidly enforce the same, for which purpose police authority is hereby given him, which he may exercise without warrant in hand; he shall collect all taxes levied by the Council except privileges and special taxes, and shall perform such other duties as the Town Council may by ordinance impose upon him. He shall have power to execute State warrants, and other processes which constables generally have, within the town limits. The Marshal shall be chief of any police force organized in the corporation. The Recorder shall keep an accurate minute of all the proceedings of the Town Council, issue privilege license, and collect taxes on the same; he shall collect all special taxes levied by the Town Council, and shall keep a proper ledger account of the same; he shall make out the town tax books, and turn the same over to the Marshal for collection, taking his receipt therefor, under the State laws regulating and governing the assessors of the State and County taxes; the compensation for this service shall not exceed, annually, twenty dollars; he shall have supervision over and care of other town property, unless otherwise provided by ordinance. The Recorder may be required by ordinance to act as Treasurer, if Council so prescribe by ordinance or resolution. The Recorder shall perform such other duties as the Town Council may by ordinance impose upon him. The Town Treasurer shall receive from the Town Marshal and Recorder, receipt for, take care of, and keep a proper account of all funds of whatsoever nature that may come into his hands; for such purpose he shall keep such book or books as the Town Council

Town Treasurer, duties of.

may direct ; he shall make out and present quarterly, or oftener, if required by Council, a full and explicit account and report of all finances under his control, and also a complete statement of the finances of the town, which report the Town Council may order published for the information of the town ; before entering upon the discharge of his duties, he shall give bond, with good securities, conditioned upon the faithful and honest discharge of all duties pertaining to his office, and similar in all respects to that of the Marshal and Recorder as hereinafter provided ; he shall perform such other duties pertaining to his office as the Town Council may, by ordinance, provide. In the absence of the Recorder, the Mayor may designate an Alderman who shall be vested with the same power as Recorder to try cases.

Recorder's and
Marshal's fees.

SEC. 11. *Be it further enacted*, That the Recorder and Marshal shall receive such fees as the Justice of the Peace and Constables are authorized to receive for rendering judgments, service of process, etc., and shall receive such other fees for other services as the Council may allow them.

Bonds of Re-
corder and
Marshal.

SEC. 12. *Be it further enacted*, That before entering upon the discharge of their duties the Recorder and Marshal shall enter into bond, with good securities, in double the supposed amount of money which may come into their hands (the amount of such bonds to be fixed by the Common Council), conditioned upon the faithful performance of their duties, and upon the diligent collection and faithful accounting for all moneys that shall, or ought to come into their hands for fines, forfeitures, and other moneys due said town, and which ought, by law, to be collected, and paid over by them ; and the said Marshal shall be liable as herein mentioned for failing to collect money, to return process or pay over money collected by process issued by the Recorder or Alderman ; said bonds shall be made payable to West Knoxville or its Treasurer for the use and benefit of said town, said bonds shall be filed and carefully preserved among the records of said town. The Town Marshal and Recorder shall pay over to the Treasurer all sums of money by them received for the said town of West Knoxville. They shall both render quarterly, and as much oftener as the Town Council

may require, full and complete statements of the finances under the control of each of them. Duties of other officers.

SEC. 13. *Be it further enacted*, That the duties of the other officers, servants, and agents of the town shall be such as the town may, by ordinance, prescribe.

SEC. 14. *Be it further enacted*, That it shall be the duty of the jailer of Knox County to receive and keep in jail any person who may be committed to his charge for a breach of the by-laws or ordinances of said town, and all riotous and disorderly persons, committed to his charge by the Town Marshal or other officer of the town, for which he shall receive such fees as may be contracted by the Town Council by, and with his consent, provided the corporation and Knox County contract, as herein before provided. Duty of Jailer.

SEC. 15. *Be it further enacted*, That in all cases where there have been conveyed by any person or persons, to the town or city of West Knoxville any roads, streets, alleys, lots, graveyards, or other property, the same shall inure to the use of said corporation, and vest in it forever, and in all cases where the town or city of West Knoxville, by Commissioners, or by the Mayor or Board of Aldermen, or other authorized officers, has sold and conveyed property, such sales and conveyances are made valid and good to the purchaser, and all possessions held under and by virtue of said sales and conveyances shall be effectual to carry the legal title and estate in the same to persons holding possession, and their heirs forever. Corporate property.

SEC. 16. *Be it further enacted*, That when any tax or duty shall be levied or imposed by said corporation upon any real estate lying within said town of West Knoxville, and the owner or owners, occupier or occupiers thereof shall not pay the same, and the Town Marshal make return of that fact under oath, that the owner or owners have no personal property within the said town upon which to distrain for the said tax or duty, it shall be the duty of the Recorder, by and with the advice and consent of the Council, to take such steps for the collection of said taxes or duties as are or may be provided for by the laws of the State. Collection of taxes.

SEC. 17. *Be it further enacted*, That if the Recorder or Town Marshal of said town shall fail to collect, or after collecting, shall fail or refuse to pay over any Failure to turn over money.

moneys by either of them received for the use of said town, said Recorder or Marshal, as the case may be, shall be liable to be proceeded against by motion or suit at common law in the Circuit Court at Knox County or any other Court having jurisdiction of the person of such Recorder or Marshal as the case may be, and it shall be the duty of such Court to enter up judgment against such delinquent officer and his securities for the money so received, or that ought to have been collected, in the name of West Knoxville for the use of said corporation; *provided*, that if the proceedings be by motion, such officers shall have five days' notice thereof.

Not to use corporation money.

SEC. 18. *Be it further enacted*, That the Board of Mayor and Aldermen are forbidden from making any appropriation of money, or credit in the way of donation for festivities, pageants, excursions, or parades, nor shall said municipality be authorized to subscribe for stock in any railroad company or in any other corporation, or give or lend any money, aid, or credit to any person or corporation whatsoever, and said municipality is hereby prohibited from employing or appropriating the moneys, and taxes to be derived from sales of bonds, hereinafter authorized, or from taxes to be assessed and collected in any other manner than for strictly corporate purposes, and from issuing any bond, except as hereinafter provided.

Bonds, issuance of.

SEC. 19. *Be it further enacted*, That from and after the passage of this act, it shall be lawful for West Knoxville to issue coupon bonds in the manner and under the restrictions hereinafter provided, not to exceed in the aggregate a sum which, taken with any debt of corporation then existing and not provided for by prior assessment of taxes, shall equal ten per cent. of the value of property subject to taxation by corporation, as shown by assessment next preceding the submission of the question of issuance of bonds to qualified voters, as hereinafter required, *provided*, said bonds or their proceeds shall be used solely for improving streets, avenues, and alleys, providing school buildings, fixtures, and schools, parks, and other corporate purposes.

Denomination of bonds.

SEC. 20. *Be it further enacted*, That all bonds so issued shall be of such denominations, bear such interest not exceeding six per cent. per annum, and be due at such time, not less than five nor more than

thirty years from date, and be payable at such times and places as the Common Council may determine; *provided*, however, that all such bonds shall bear the same interest.

SEC. 21. *Be it further enacted*, That the bonds thus provided for shall in no case be sold for less than par, and the coupons attached shall at maturity be receivable for all taxes and dues to the corporation except "The Sinking Fund Tax" provided for by the following section, and the school tax. Disposition of bonds.

SEC. 22. *Be it further enacted*, That before any bonds shall be issued under foregoing provisions, the corporation shall provide by ordinance for a Sinking Fund, wherewith to retire the bonds by levying a special tax, same to be designated "The Sinking Fund Tax," the tax run with the bonds and to be collected annually, and used exclusively for the purpose levied, and to be sufficient with its accumulations, as near as may be estimated, to meet or retire the principal indebtedness by its maturity. Sinking fund.

SEC. 23. *Be it further enacted*, That said corporation, through its council, before issuing the bonds, shall elect three persons, citizens, as Sinking Fund Commissioners, who shall be so first elected that one of said Commissioners shall be elected for one year, one for two years, and one for three years, and every year thereafter one shall be elected to serve three years, so as to keep the number of Commissioners at three at all times. Sinking Fund Commissioners.

SEC. 24. *Be it further enacted*, That said Commissioners shall take an oath faithfully to discharge their duties, and give bond under such penalty and conditions, and serve for such compensation as may be prescribed by ordinance. Oath and bond.

SEC. 25. *Be it further enacted*, That such Commissioners shall receive Sinking Fund Taxes and invest same from time to time in the bonds of the corporation, if any are redeemable, or other securities to be approved by Council, until bonds become redeemable, and settle their accounts as may be required by ordinance; *provided*, however, that when any bond is purchased or redeemed it shall be cancelled or destroyed in presence of Council, and record be kept of same. Investment of Sinking Fund.

SEC. 26. *Be it further enacted*, That the said bonds shall not be issued unless so authorized by two-thirds Election to authorize the issuance of bonds.

of the vote cast by qualified voters, voting at an election to be held by order of the Board of Mayor and Aldermen, at any time and as many times as the Mayor and Aldermen may deem necessary.

First election.

SEC. 27. *Be it further enacted*, That the first election for Mayor and Aldermen under this Act shall be held by present Marshal of West Knoxville on second Saturday of March, 1889.

Present board to hold over.

SEC. 28. *Be it further enacted*, That the Board of Mayor and Aldermen, being in office at passage of this Act, shall hold their offices until their successors are elected and qualified under this Act, and all laws and ordinances of said corporation now in force shall remain in force under this Act until modified, repealed, or vacated.

Eligibility to office.

SEC. 29. *Be it further enacted*, That no person shall be eligible to any office of the corporation who holds any office of profit or trust under the United States, the State of Tennessee, or Knox County.

Declared to be a public law..

SEC. 30. *Be it further enacted*, That this Act is declared to be a public law, and may be read in evidence in all courts of law and equity, and all ordinances, resolutions, and proceedings of the Board of Mayor and Aldermen may be proved by the seal of the corporation, attested by the Recorder, and when printed and published by the authority of the Council the same shall be received as evidence in all courts and places without further proof when certified to by the Recorder.

Repeal of conflicting laws.

SEC. 31. *Be it further enacted*, That all laws or parts of laws applying or relating to charter and powers of corporations of West Knoxville, in conflict with provisions of this Act or charter hereby granted, are hereby repealed.

SEC. 32. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 26, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved February 28, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 29.

AN ACT to amend the Charter of the City of Chattanooga, Tennessee, and all acts heretofore passed amendatory thereof, so as to divide the city into eight wards, and provide for the election of two Aldermen from each ward by the legal voters thereof, and provide for the election of the Mayor by the qualified voters of the city, and provide for the election of a Recorder by the Aldermen, and prescribe the duties of the Mayor and Recorder, and fix their salaries.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the City of Chattanooga, Tenn., shall be and is hereby divided into eight wards, the boundaries of which shall be respectively as follows: The First Ward shall embrace the territory bounded on the north by the northern city boundary line, on the west by Market Street, on the south by Seventh Street and McCallie Avenue, the latter two connected by Georgia Avenue, and on the east by the East Tennessee, Virginia and Georgia Railroad from McCallie Avenue to Fifth Street, thence along Fifth Street to Carlin Street, thence by Carlin Street from Fifth Street to Harrison Avenue, thence by Harrison Avenue from Carlin Street to Lauderdale Street, and thence by Lauderdale Street from Harrison Avenue to the northern boundary line of the city. The Second Ward shall embrace the territory bounded on the north by the northern city boundary line, on the east by Market Street, on the south by Ninth Street, and by the section line extended west from Ninth Street to Prospect Street, and on the west by a line run as follows, commencing at the junction of said section line and Prospect Street, thence northwardly along Prospect Street to Sixth Street, thence along Sixth Street to Pleasant Street, thence along Pleasant Street to Fifth Street, thence along Fifth Street to Cedar Street, thence along Cedar Street to the south boundary line of the old water-works reservoir property, thence along the south boundary line of said reservoir property extended to Poplar Street, and thence along Poplar Street to Third Street, thence along Third Street to Chestnut Street, and thence along Chestnut Street to the northern city boundary line. The Third Ward shall embrace the territory bounded on the north by Ninth Street, on the east by Market Street,

Boundaries of wards.

and on the south by Montgomery Avenue, and on the west by a line run as follows, commencing at the junction of Ninth and Burch Streets, thence along Burch Street to Leonard Street, thence along Leonard Street to Grove Street, thence along Grove Street to Gillispie Street, thence along Gillispie Street to Early Street, thence along Early Street to Hooke Street, thence along Hooke Street to Locust Street, and thence along Locust Street to Montgomery Avenue.

The Fourth Ward shall embrace the territory bounded on the north, west, and south by the city boundary lines, and on the east by the Second and Third Wards aforesaid, and by a line run from the junction of Locust Street and Montgomery Avenue, and thence along Montgomery Avenue to Carter Street, and thence south along Carter Street extended in a straight line to the city boundary line. The Fifth Ward shall embrace the territory bounded on the north by Montgomery Avenue, on the west by the Fourth Ward aforesaid, on the south by Missionary Avenue, and on the east by a line run as follows, commencing at the junction of Weaver Street and Missionary Avenue, thence along Weaver Street to Henry Street, thence along Henry Street extended eastwardly in a straight line to Rossville Avenue, thence northwardly along Rossville Avenue to Montgomery Avenue. The Sixth Ward shall embrace the territory bounded on the north by the First Ward aforesaid, on the west by Market Street, on the south by Montgomery Avenue, and on the east by a line run as follows, commencing at the junction of Montgomery Avenue and Baldwin Street, thence north along the line of Baldwin Street to Eleventh Street, thence along Eleventh Street to King Street, thence along King Street to Ninth Street, thence along Ninth Street to "C" Street, thence along "C" Street to Gilmer Street, thence along Gilmer Street to "E" Street, thence along "E" Street to McCallie Avenue. The Seventh Ward shall embrace the territory bounded on the north and on the east by the city boundary line, on the west by the First and Sixth Wards aforesaid, and on the south by Montgomery Avenue. The Eighth Ward shall embrace the territory bounded on the north by Montgomery Avenue and the Fifth Ward aforesaid, on the east and south by

the city boundary lines, and on the west by Fourth and Fifth Wards aforesaid.

SEC. 2. *Be it further enacted*, That an annual election for Aldermen shall be held in each ward of said city by three Judges and two Clerks of elections to be appointed by the Mayor of said city, not more than one Clerk, and not more than two Judges shall be of the same political party. It shall be the duty of said Mayor to call the elections and to appoint the Judges and Clerks herein provided for at least twenty days before the date of elections to be held under this Act; and he shall give notice of said call and appointments by twenty days' publication in any newspaper of said city, naming the date of the elections and the places in each ward where the elections shall be held, and a failure by any Mayor to call the elections and make the appointments herein provided for shall be and is hereby made a misdemeanor in office, and upon conviction thereof he shall forfeit his office and all the emoluments thereof. The first election under this Act shall be held on the second Tuesday in October, 1889, and all elections under the provisions of this Act for Aldermen shall be held on the second Tuesday in October of each and every year forever hereafter. The voters shall vote by ballot, and only in the wards in which they may have resided thirty days next preceding the election. Non-resident freeholders may vote in the wards in which their freehold is situated, and not elsewhere, provided that if any non-resident freeholder may have a freehold in more than one ward, he may vote in the ward of his choice in which his freehold is situated.

Election and
duties of
officers.

SEC. 3. *Be it further enacted*, That there shall be elected sixteen Aldermen, two from each ward by the qualified voters of each ward respectively; all of said Aldermen shall be elected at the first election to be held under this Act, and the Aldermen elect receiving the lesser number of votes in his ward shall hold his office for the term of one year, and the Alderman receiving the larger number of votes in his ward shall hold his office for the term of two years, so that eight Aldermen, one from each ward, shall hold their office for the term of one year, and eight Aldermen, one from each ward, shall hold their office for the term of two years, and on the second Tuesday in October of each year thereafter there shall be an election of

Aldermen, elec-
tion of and term
of office.

eight Aldermen, one Alderman from each ward, who shall be elected by the qualified voters of each ward respectively. The Aldermen so elected shall hold their office for the term of two years. No person shall be an Alderman unless he is a citizen of the State of Tennessee, and a *bona fide* resident and freeholder in the ward for which he is elected. Any Alderman, after his election, removing from or ceasing to be a freeholder of his ward, shall thereby vacate his office. The salary of each Alderman so elected shall be such as may be authorized by the Board of Mayor and Aldermen, provided, however, that said salary in no case shall exceed the sum of one hundred dollars per annum. All vacancies in the Board of Aldermen shall be filled by a majority vote of the remaining members. The Mayor and Aldermen elect shall meet on the first Monday after the second Tuesday in October in each year, and be qualified to and enter upon the discharge of their duties. A majority of the whole number of Aldermen elect shall constitute a quorum competent to transact any and all business.

Election of
Mayor.

SEC. 4. *Be it further enacted*, That the Mayor of said city shall be elected by the qualified voters of the city at the first election herein provided for the election of Aldermen to be held under this Act, and shall hold his office for two years, and until his successor shall be elected and qualified, and forever thereafter the Mayor shall be elected bi-ennially at the regular elections herein provided for the election of Aldermen. The Mayor shall receive a salary of five hundred dollars per annum and no more. No person shall be elected Mayor who is not, at the time of his election, a citizen of the State of Tennessee, and a *bona fide* resident and freeholder of said city. Any Mayor, after his election, removing from or ceasing to be a freeholder in said city, shall thereby vacate his office. Where two or more persons shall have an equal number of votes for the office of Mayor, the election shall be decided by a majority vote of the Aldermen-elect. It shall be the duty of the Mayor to preside at all meetings of the Board of Mayor and Aldermen; to take care that all the ordinances of the city are duly enforced, respected, and observed within the city; to take an oath of office before he enters upon the duties of the same, and to

call special sessions of the Board. The Mayor shall not have the right to vote in the Board on any question or in any election, but he shall have the power to veto any ordinance or resolution of the Board of Mayor and Aldermen, and no resolution or ordinance thus vetoed shall become operative unless the same shall afterward be passed by a majority vote of all the Aldermen. A vacancy in the office of Mayor shall be filled by a majority vote of the Aldermen for the unexpired term, but he shall not be one of their number.

SEC. 5. *Be it further enacted*, That there shall be elected by said Board of Aldermen, at the same time Recorder, how elected. other city officers are elected by said Board, a Recorder, who shall preside over the Police Court, and who is invested with concurrent jurisdiction with Justices of the Peace in all cases of violation of the criminal laws of the State, or of the ordinances of the Mayor and Aldermen of the City of Chattanooga within the limits of said city. The Recorder shall be paid such salary as will make the total amount of his compensation, inclusive of his costs in State cases, fifteen hundred dollars, and no more. In the absence of the Recorder-elect, or in the event of his inability to discharge the duties of his office, he shall appoint any Justice of the Peace of Hamilton County, who shall discharge the duties of the office of Recorder during such absence or inability, and such Justice acting as Recorder shall receive such compensation out of the salary of the Recorder-elect as they may agree upon.

SEC. 6. *Be it further enacted*, That the provisions and Amendatory. sections of this Act shall be and constitute an amendment to the charter of the City of Chattanooga, Tennessee, and all acts heretofore passed amendatory thereto, and especially to an Act entitled "An Act to amend the charter of the City of Chattanooga, Tennessee, and all Acts heretofore passed amendatory thereof," passed March 29, 1883.

SEC. 7. *Be it further enacted*, That all of sections 1, 2 and 3 after the words, "Be it enacted by the General Assembly of the State of Tennessee, of an Act entitled an Act to amend the charter of the City of Chattanooga, Tennessee, and all Acts heretofore passed amendatory thereof," passed March 29, 1883, Repeal of Sections 1, 2, 3 of Act of 1883. be and the same is hereby repealed, and the offices

thereby created are hereby abolished from and after the first Monday after the second Tuesday in October, 1889.

Repeal of Section 7, Act 1869.

SEC. 8. *Be it further enacted*, That section 7 of an Act entitled an Act to incorporate the City of Chattanooga, Tennessee, passed November 10, 1869, be and the same is hereby repealed.

Repeal of conflicting laws.

SEC. 9. *Be it further enacted*, That all acts and parts of acts contrary to and inconsistent with the provisions of this Act be and the same are hereby repealed; *provided*, however, that nothing in this Act shall be held to be contrary to and inconsistent with the provisions of sections 4, 5, 6, and 7 of an Act entitled an Act to amend the Charter of the City of Chattanooga, Tennessee, and all acts heretofore passed amendatory thereof, passed March 29, 1883.

SEC. 10. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 25, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved February 26, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 30.

AN ACT to amend an Act passed March 19 and approved March 24, 1887, entitled "An Act to increase the jurisdiction of the County Court to enforce vendor's liens on real estate on all sums under fifty dollars, and to regulate the practice so as to provide for the foreclosure of mortgages where the amount due is under fifty dollars, and also the enforcement of all liens on all sums under fifty dollars in such cases as the Chancery Court alone would have jurisdiction if the amount was more than fifty dollars."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 1 of an Act passed March 19 and approved March 24, 1887, entitled "An Act to increase the jurisdiction of the County Court to enforce vendor's liens on real estate on all sums under fifty dollars, and to regulate the practice," be and the same is hereby amended so as to read as follows, viz.: That jurisdiction is hereby conferred upon the County Courts of the several counties in this State to enforce vendor's liens and foreclose mortgages upon all sums under fifty dollars, and also to enforce all liens on all sums under fifty dollars in such cases as the Chancery Court alone would have jurisdiction if the amount was more than fifty dollars. Jurisdiction of
County Court
increased.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 14, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved February 16, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 31.

AN ACT to amend the law of this State prohibiting the sale of liquor on Sunday, as embraced in section 5671 of Milliken & Vertrees' compilation.

Prohibiting the
sale of liquor
on Sunday.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* The law of this State prohibiting the sale of liquor on Sunday, as compiled in section 5671 of Milliken & Vertrees' compilation, be so amended as to prohibit the sale on Sunday of any malt, vinous, fermented or other intoxicating liquors, or to keep open on Sunday any place where such liquors are sold or dispensed. And any person offending shall be punished as provided in said Act; *provided*, that the provisions of this Act shall not apply to druggists selling on the prescription of a practicing physician; *provided, further*, that restaurants and eating houses where spiritous, vinous, and malt liquors are sold under the license law of the State on week days, shall be allowed to conduct their eating department on Sunday, but the bar room shall be closed, and no drinks of any kind sold.

Passed February 22, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 16, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 32.

AN ACT to change the line between the counties of Gibson and Dyer.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line of the counties of Gibson and Dyer is hereby so changed as to embrace in the county of Dyer the whole of the tract of land owned by John Barham. County line changed.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 23, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved February 27, 1889.

ROBT. L. TAYLOR.
Governor.

CHAPTER 33.

AN ACT to change the county line between Hawkins and Hamblen Counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county line between the counties of Hawkins and Hamblen be and is hereby changed so as to include all of the land of C. L. Alderson within Hamblen County, and the line so changed shall be described as follows: Beginning at J. W. Moore's corner on county line, then eastward with L. B. Moore's line to Beckner's line, with County line changed.

same southwardly to Thomas Moore's line, with same westwardly to Hamblen County line.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage.

Passed February 23, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved February 27, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 34.

AN ACT to permanently settle and fix the line between the Counties of Anderson and Roane. Whereas, for a number of years doubts have existed as to the true locality of the line between the counties of Anderson and Roane near the town of Oliver Springs, and, whereas, a number of violations of law have escaped punishment by reason of the uncertainty of the venue of their crimes; therefore, in remedy thereof,

County line settled permanently.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the counties of Anderson and Roane be and the same is hereby settled and fixed so as to include the following described boundary in the county of Anderson, viz: Beginning at a rock in the old line between Anderson and Roane in E. A. Reed's south-east line, then south 78 west with Reed's line 150 poles to a beech in Reed's corner, then south 53 west 107 poles to a large forked white oak on a hill near G. W. Butler's house, then south 17 west 51 poles to a stake, hickory and black oak pointers William Wiley's and John G. Scott's corner; then with the line between said Wiley's and said Scott's to the Walden

Ridge Railroad, and same course continued to the Valley Road, and same course still continued to the top of Walden's Ridge in the line between Morgan and Roane Counties, in all 124 poles to a stake, hickory and black oak pointers; then north $61\frac{1}{2}$ east 168 poles to the center of the gap of Walden's Ridge, then with the line between the counties of Morgan and Roane to the corner of the counties of Anderson, Morgan, and Roane, near the old salt well, then a direct line to the beginning.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it. Conflicting laws repealed.

Passed February 23, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved February 27, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 35.

AN ACT to create and establish a new Judicial Circuit out of parts of the Third and Fourth Judicial Circuit of the State of Tennessee, to be designated the (17th) "Seventeenth Judicial Circuit of the State of Tennessee," and to fix the time for holding the Courts of said Circuit, and to provide for the appointment of a Judge and Attorney-General therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a new Judicial Circuit for the administration of justice be and the same is hereby created and established out of parts New Judicial Circuit created.

of the Third and Fourth Judicial Circuit of the State of Tennessee, and designated and known as the (17th) Seventeenth Judicial Circuit of the State of Tennessee, and composed of the counties of Bradley, James, McMinn, Meigs, Monroe and Polk.

Time for holding courts.

SEC. 2. *Be it further enacted*, That the time for holding the Circuit Courts in the counties composing the said Judicial Circuit shall be as follows :

Bradley County.—First Mondays in January, May, and September.

James County.—Fourth Mondays in April, August, and December.

McMinn County.—Second Mondays in April, August, and December.

Meigs County.—Third Mondays in February, June, and October.

Monroe County.—Third Mondays in January, May, and September.

Polk County.—Fourth Mondays in February, June, and October.

Governor to appoint Judge and Attorney-General.

SEC. 3. *Be it further enacted*, That the Governor of the State shall appoint a Circuit Judge and an Attorney-General for the said Seventeenth (17th) Judicial Circuit, who shall hold their offices until the first of September, 1890, but at the general biennial election on the first Thursday in August, 1890, a Circuit Judge and an Attorney-General for said Circuit shall be elected by the qualified voters of said counties composing said Judicial Circuit, to hold their offices until the next general judicial election in August, 1894, at which time the Supreme Judges, Chancellors, and Circuit Judges of the State shall be elected.

Bonds and process.

SEC. 4. *Be it further enacted*, That all bonds shall be taken, and all process heretofore or hereafter issued shall be and are hereby made returnable to the Courts at the times and places fixed for holding the same in the foregoing provisions of this Act.

Duties of Clerks.

SEC. 5. *Be it further enacted*, That the Clerks of Circuit Courts in all the counties composing the said circuit in which the time of holding the Court is changed by this Act, shall at the time at which said Courts were formerly held, when said time precedes the time as fixed by this Act, open said Courts, and in all criminal cases take recognizances from defendants therein to the next term of the Circuit Court

thereafter as fixed by this Act; and if such defendants fail to appear and enter into recognizances for their appearance, then the Clerk shall have them called out, and enter up in due form judgments by forfeitures against such defendants, and issue writs of *scire facias* against said defendants and their sureties, returnable to said next term, and thereupon adjourn the Court to said next term as fixed by this Act, without the presence of the Judge, in the same manner as if the Judge were present at the time.

SEC. 6. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed, and that this take effect from and after its passage, the public welfare requiring it. Repeal of
conflicting laws.

Passed February 23, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved February 27, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 36.

AN ACT to prescribe the liability of Executors, Administrators, and the securities on their bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all executors hereafter qualified, and their securities, shall be liable upon their bonds for the performance of all the trusts of the will which they are required to perform, as well as all duties devolving upon them as executors, as well in relation to the real as well as personal estate; and in like manner administrators, with the will annexed hereafter appointed, and their securities Executors, etc.,
liable for per-
formance of
duties.

shall be liable upon their bonds for the performance of all the trusts and duties of their respective offices, as well in relation to real as personal estates; and such bonds, when taken in the forms heretofore prescribed by law, shall bind such executors and administrators and their sureties as herein provided.

Repeal of
conflicting laws.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and this Act take effect from and after its passage, the public welfare requiring it.

Passed February 26, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved February 28, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 37.

AN ACT to change the line between the counties of Lewis and Hickman.

County line
changed.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the counties of Lewis and Hickman be so changed as to include the lands of A. W. Weatherly in Lewis County.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 26, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved February 28, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 38.

AN ACT to extend the corporate limits of the town of Sevierville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the corporate limits of the town of Sevierville, in Sevier County, Tennessee, be and the same are hereby extended and enlarged as follows :

Beginning on a large elm tree, a corner in the north-west line of said corporation, thence a direct line to the north-west corner of Mrs Martha Emert's lot, thence direct to the south-west corner of J. M. Kinnaman's lot near the public road, thence direct to the south-east corner of J. J. Ellis' lot, including the same in said corporation, thence with the east line of said lot 274 feet to a stake in the south line of said corporation, then following the old boundaries of said corporation to the beginning.

SEC. 2. *Be it further enacted*, That Section 2 of Chapter 135 of the Acts of 1887, entitled "An Act to incorporate the town of Sevierville" etc., be and the same is hereby repealed so far as the same conflicts with this Act.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 26, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved February 28, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 39.

AN ACT to abolish the corporation of the town of Pocahontas, in the County of Hardeman.

Corporation
abolished.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the corporation of the town of Pocahontas, in Hardeman County, be and the same is hereby abolished.

SEC. 2. *Be it further enacted*, That this Act take effect from and after the first day of July, 1889, the public welfare requiring it.

Passed February 26, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved February 28, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 40.

AN ACT to amend An Act passed 19th day of March, 1875, Chapter 142, Section 13, and to amend an Act passed March 2, 1887, entitled An Act to amend Section 13 of Chapter 142 of 1875, which provides for the incorporation of Street Railroad Companies.

Relative to
street railroad
companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That any Street Railroad Company, which has heretofore used animal power in the operation of its cars, may operate the same by electricity; *provided*, the city or town in which said Railroad Company operates its cars and is located, by its

proper authorities, gives its assent to the same, and that the Act specified in the caption hereof be so amended, and this Act take effect from and after its passage, the public welfare requiring it.

Passed February 26, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved February 28, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 41.

AN ACT to create the office of County Judge for Morgan County, and to provide for the election of the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there shall be elected by the qualified voters of Morgan County a Judge to be styled a County Judge, learned in the law, and who shall be thirty years of age, and who shall hold his office for eight years from the date of his commission, said person to be a citizen of Morgan County and of good moral character.

Election of
County Judge.

SEC. 2. *Be it further enacted,* That the first election for County Judge for Morgan County shall be held at the same time and place, and by the same officers that other county elections are held, on the first Thursday in August, 1890, and under the same provisions and regulations that are prescribed by law for other county elections; and subsequent elections (except vacancies, which shall be filled, when they occur, in the manner prescribed by law), on the first Thursday in August every eight years thereafter.

Time of holding
election.

Powers of
County Judge.

SEC. 3. *Be it further enacted*, That the County Judge of Morgan County shall have and exercise all the right, powers, and jurisdiction that are conferred upon the County Judges of this State, and shall comply with all the requirements of and perform all the duties imposed by laws creating and regulating the powers and duties of County Judges.

Office of Chair-
man abolished.

SEC. 4. *Be it further enacted*, That all the powers and jurisdiction now vested in and belonging to the Chairmen of the County Courts of this State be conferred upon such County Judges as may be appointed under this Act by the Governor, or thereafter elected by the qualified voters of Morgan County, and the office of the Chairman of the County Court of Morgan County is hereby abolished from and after the first Monday in January, 1890.

Salary of Judge.

SEC. 5. *Be it further enacted*, That the County Judge of Morgan County shall receive a salary of three hundred dollars (\$300) annually for his services, to be paid quarterly out of the county revenue collected for the years in which the services are rendered.

Governor to ap-
point Judge.

SEC. 6. *Be it further enacted*, That the present Chairman of the County Court of Morgan County continue to hold the County Court of said county until the first Monday in January, 1890, during which time it shall be the duty of the Governor, under this Act, to appoint a County Judge under this Act, and duly commission him to fill out the time from the first Monday in January, 1890, to the regular election in August, 1890; and this Act shall take effect from and after the first Monday in January, 1890, the public welfare requiring it.

Passed February 26, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 16, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 42.

AN ACT to enlarge the boundaries of the city of Nashville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the boundaries of the city of Nashville be so enlarged as to run as follows: ^{To enlarge boundary line.}

Beginning at the corporation line on Main Street at the corner of Main Street and Neill Avenue, running thence with the northern border of said avenue to the western border of Smiley Street, then with said border of Smiley Street to the southern border of Eighth Street, thence with said street to the present corporation line on Main Street.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 27, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved February 28, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 43.

AN ACT for the relief of the Springfield National Bank of Springfield, Tennessee.

WHEREAS, The Springfield National Bank of Springfield, Tennessee, paid State tax, claimed as a privilege tax, for the year 1882 (\$125) one hundred and twenty-five dollars, for 1883 (\$200) two hundred dollars, for ^{Preamble.}

1884 the sum of seventy-five dollars (\$75), for 1885 seventy-five dollars (\$75), and for 1886 fifty dollars (\$50), aggregating the sum of five hundred and twenty-five dollars (\$525), which said sum was illegally collected and paid into the State Treasury, therefore,

Appropriation
made.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sum of five hundred and twenty-five dollars (\$525) be and the same is hereby appropriated out of the Treasury out of any money not otherwise appropriated to repay said Springfield National Bank of Springfield, Tennessee, the said sum of five hundred and twenty-five dollars.

Warrant or-
dered drawn.

SEC. 2. *Be it further enacted*, That the Comptroller of the Treasury be and he is hereby directed to draw his warrant on the Treasurer for said sum of (\$525) five hundred and twenty-five dollars in favor of said Springfield National Bank of Springfield, Tennessee.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 37, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved February 28, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 44.

AN ACT to authorize the lease of certain school lands in the State for mining purposes, and to protect the same from waste.

Preamble.

WHEREAS, It is provided by act of Congress, passed June 12, 1884, that the Legislature of the State of Tennessee may pass such laws as may be deemed expedient for the purpose of leasing or selling the

school lands, reserved by act of Congress, passed February 15, 1843, and prior thereto; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That pursuant to the Act of Congress aforesaid, upon petition of ten or more freeholders residing in the fourth fractional township, south, range five, east of the basis line of the Ocoe District, in Polk County, Tennessee, the County Court of said county shall order the Sheriff to open and hold an election in said township for the purpose of electing three Township Commissioners.

SEC. 2. *Be it further enacted*, That the Sheriff shall give twenty days' written notice at three or more public places in said township, of the time and place of holding said election, and that every citizen residing in said township, and qualified to vote for members of the General Assembly, shall be entitled to vote in said election.

SEC. 3. *Be it further enacted*, That said election shall be held in the same manner as other elections are now held by law, and the result thereof shall be certified to the County Court of said county by the officers, judges, and clerks holding the same. The three persons receiving the highest number of votes in said election shall be declared elected Township Commissioners for said township.

SEC. 4. *Be it further enacted*, That said Township Commissioners shall hold office for the term of two years from the day of their election; and in case a vacancy occurs, by death, removal, or otherwise, the same shall be filled by appointment, made by the other Commissioners.

SEC. 5. *Be it further enacted*, That, before entering upon the discharge of their duties, said Township Commissioners shall make and subscribe to an oath before the Clerk of the County Court, or before some Justice of the Peace for said county, that they will protect the school lands of their township from injury or waste, and that they will discharge the duties incumbent upon them by law to the best of their ability. Said oath, if taken before a Justice of the Peace, shall be filed by him with the Clerk of the County Court of said county.

SEC. 6. *Be it further enacted*, That upon the petition of ten or more freeholders residing in said township, the Commissioners shall give thirty days' notice at

five or more public places in the county, one of which shall be the court-house door, and such other notice as may be deemed best, that, up to a time specified in said notice, they will receive written proposals for the lease of the school lands in said township, for mining purposes, for a term of not more than twenty-five years.

Submitted for
ratification.

SEC. 7. *Be it further enacted,* That from the proposals so received said Commissioners shall choose the one containing the highest and best bid, and certify the same to the County Court of said county, which shall cause the same to be spread, at length, upon the Minutes of said Court, and order it to be submitted to the people of said township for their ratification or rejection in an election to be held, at some convenient place in the township, by the Sheriff of said county, who shall give twenty days' written notice, at three or more public places in said township, of the time and place of holding said election. Said notice shall also contain the name or names of the proposed lessee or lessees, and the terms of the proposed lease in full.

Form of ballot.

SEC. 8. *Be it further enacted,* That every citizen residing in said township, and qualified to vote for members of the General Assembly, shall be entitled to vote in said election; voters who are in favor of the lease shall have written or printed on their ballots, "For the proposed lease;" voters who are opposed to the lease shall have written or printed on their ballots, "Against the proposed lease." The result of the election so held shall be certified by the officers, judges, and clerks, and a due return thereof made to the County Court of said county, and the same shall be spread upon the Minutes of said Court.

SEC. 9. *Be it further enacted,* That if it shall appear from the result of said election that a majority of the qualified voters voting in said election are in favor of the proposed lease, it shall be the duty of said Township Commissioners to execute the lease upon the terms ratified by the people of the township in said election. Said lease may be proved and registered as other instruments of writing.

Lease, what it
shall include.

SEC. 10. *Be it further enacted,* That a lease of the school lands under this Act for mining purposes shall include necessary easements, rights of way for ditches, canals and railroads, sites for furnaces, roast piles,

warehouses, storage yards, and machinery, and all other mining privileges necessary in the mining, reduction, and transportation of ores or mine products.

SEC. 11. *Be it further enacted*, That in case there are or may hereafter be any just and legal claim against said lands, on account of fees, costs, or judgments in litigation, to protect said lands said Township Commissioners may and they are hereby authorized to settle the same with the legal and just creditors, by compromise or otherwise, out of the proceeds of the lease, said claims to be paid upon their warrant to the Trustee of the county, as other school warrants are now paid. Claims, how settled.

SEC. 12. *Be it further enacted*, That the Trustee of the county shall collect the proceeds of such lease as each installment falls due, and, upon failure of the lessee to pay each installment when due, the collection thereof may be forced by a bill in equity to subject the rights and franchises of the lessee or lessees under the lease to the satisfaction of the same. The funds derived from said lease shall be used for public school purposes in said township; and in case there are two or more, or parts of two or more, common school districts in said township, such funds shall be paid out upon the warrant of the Directors of such district in proportion to the number of children, within the school age, residing in that part of the township included in their respective districts. Trustee to collect proceeds of lease.

SEC. 13. *Be it further enacted*, That the school lands of any other township of this State may be leased for mining purposes in accordance with the provisions of this Act. School lands may be leased.

SEC. 14. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 27, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 2, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 45.

AN ACT to change the line between the counties of Robertson and Davidson.

County line
changed.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the county of Davidson and the county of Robertson be and the same is so changed as to include all the lands of T. M. Hinkle and A. W. Clinard in the county of Robertson.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 28, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 16, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 46.

AN ACT to repeal an Act entitled "An Act to establish a special Court at Dayton, Rhea County, Tennessee," and to transfer the business of said Court and its jurisdiction to the Circuit Court of Rhea County.

Act of 1887 re-
pealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the above entitled Act, passed March 11, 1887, and approved March 21, 1887, pages 198 and 199, Acts of 1887, establishing a Common Law Court at Dayton, Rhea County, be and the same is hereby repealed and the Court abolished.

SEC. 2. *Be it further enacted*, That all suits of a civil or criminal nature in said Court, together with all papers, books, and records thereof, be transferred and tried in the Circuit Court of Rhea County, which Court shall have full power over the same that it would have had had the suits been brought in said Court originally. Records to be transferred.

SEC. 3. *Be it further enacted*, That the Clerk of said Circuit Court shall keep and possess the papers, records, and books of the said Common Law Court in his office, and in all respects as papers, records, and books of said Circuit Court are kept, and executions on all judgments heretofore taken in said Common Law Court shall issue from the Circuit Court of Rhea County. Clerk custodian of records.

SEC. 4. *Be it further enacted*, That all process now in the hands of the sheriff, issued from said Common Law Court, shall be returnable, and be returned to the next term of the Circuit Court of Rhea County held after the passage of this Act, and all bonds and recognizances for the appearance of defendants shall bind all defendants to appear at said next term of said Circuit Court after the passage of this Act, and if default is made forfeitures may be taken as now provided by law. Defendants to appear at next term of Court.

SEC. 5. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 27, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved February 28, 1889.

ROBT. L. TAYLOR.
Governor.

CHAPTER 47.

AN ACT to amend the charter of the city of Jackson and amendatory Acts thereof so as to extend the boundaries thereof; to fix the term of office of Mayor and Recorder at two years; to change the mode of electing the Recorder, and to change the time of holding elections for city officers.

Charter
amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 3 of an Act passed March 3, 1854, entitled "An Act to incorporate the Mechanics Library Association of Fayetteville, and to reduce the several Acts incorporating the city of Jackson into one Act, and to amend the same," be and the same is hereby amended so as to read as follows: "Section 3. The corporation of the city of Jackson shall be bounded as follows, to wit: Beginning at the south-west corner of the water-works lot on the corner of Royal and Magnolia Streets, runs to a point on Bolivar road situated half way between the Tennessee Midland Railroad and the north end of the bridge across the Forked Deer River on the McClanahan levee; thence west to a point south of the north-west corner of the Fair Grounds; thence north to a point at the intersection of this line with the line extended from the north boundary of the tract of land known as the Judge Read property; thence south eighty-eight and one half degrees east, and along the south margin of the alley on the north of said Read property to the west margin of the Christmaville road; thence down the west margin of the said Christmaville road south thirty-two and one half degrees, west one hundred and forty-two feet to a point on a line with south margin of alley north of the Mt. Calvary Cemetery; thence with the south margin of said alley and with the north boundary line of said cemetery south eighty-four and one half degrees east, crossing the M. & O. and Illinois Central railroads, to a point six hundred and forty-five feet from the center of the said Illinois Central Railroad; thence south, passing through East Street west of S. W. Boon's residence to a point at the intersection of this line with a line extended from the south-west corner of the water-works lot, and along the north margin of Magnolia Street; thence north

eighty-seven and one-half degrees west to the beginning." And that an Act passed March 26, 1881, entitled "An Act to change the corporation line of the city of Jackson, Tennessee," be and is hereby repealed; that Section 5 of said Act, passed March 3, 1854, be and the same is hereby amended so as to read as follows: "Section 5. There shall be a City Council to consist of the Mayor and Board of Aldermen. The city shall be laid off by said Mayor and Board of Aldermen into four or more wards, and the Board of Aldermen shall consist of two members from each ward, to be chosen by the qualified voters of each ward, respectively, for two years." That Section 6 of said Act, passed March 3, 1854, be and the same is hereby amended by striking out the words "the Mayor, Recorder, and Constable shall be elected by the qualified voters of the city, and shall hold offices for one year," and inserting in lieu thereof the following words: "The Mayor and Recorder shall be elected by the qualified voters of the city, and shall hold office two years." And that so much of Section 2 of an Act passed April 7, 1881, being the second section of Chapter 150, page 204, of the Act of 1881, as authorizes the Recorder to be elected by the Board of Mayor and Aldermen instead of by the people of said city, be and the same is hereby repealed. That Section 8 of said Act, passed March 3, 1854, be and the same is hereby amended by striking out the words, "An election for Mayor, Aldermen, Recorder, and Constable shall be held in each ward of said city by the Sheriff of or Coroner of Madison County, on the first Saturday of January in each year," and inserting in lieu thereof the following words: "An election for Mayor, Recorder, and one Alderman for each ward, shall be held in each ward by the Sheriff or Coroner of Madison County on the first Tuesday in June, 1890, and every two years thereafter, and an election shall likewise be held in each ward for one Alderman for the same on the first Tuesday in June, 1891, and every two years thereafter.

SEC. 2. *Be it further enacted*, That the present Mayor, Recorder, and those Aldermen whose term of office would otherwise expire on the first Saturday in January, 1890, shall hold their respective offices until the first Tuesday in June, 1890, and until their successors are elected and qualified, and those Aldermen ^{Terms of office changed.}

whose terms would otherwise expire on the first Saturday in January, 1891, shall hold their respective offices until the first Tuesday in June, 1891, and until their successors are elected and qualified.

Repeal of
conflicting laws.

SEC. 3. *Be it further enacted*, That all Acts and parts of Acts inconsistent with this Act be and the same are hereby repealed.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 1, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 16, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 48.

AN ACT to amend an Act passed March 27, 1883, entitled an Act to amend Section 8 of the Act to establish Taxing Districts in this State, and to provide the means of local government for the same, passed January 29, 1879, approved January 31, 1879, Acts of 1879, Chapter 11, page 15, with amendatory Act passed March 12, 1879, Acts of 1879, Chapter 84, page 98.

Former Acts
amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 8 of the said Act be and the same is hereby amended so as to read as follows: That said Police and Fire Commissioners shall fix the pay of policemen and firemen as follows: Chief of Police, not less than one hundred and fifty dollars (\$150) per month; Chief of Fire Department, not less than one hundred and fifty dollars (\$150) per month; Assistant Chief of Fire Department, not less than one hundred and twenty-five dollars (\$125) per month; Captains of Police, not less

than one hundred and twenty-five dollars (\$125) per month; Captains of Fire Department, not less than one hundred and ten dollars (\$110) per month; Sergeants of Police, not less than one hundred and ten dollars (\$110) per month; engineers of Fire Department, not less than one hundred dollars (\$100) per month; police clerk, not less than one hundred dollars (\$100) per month; detectives, not less than one hundred dollars (\$100) per month; day station-house keeper, not less than one hundred dollars (\$100) per month; night station-house keeper, not less than seventy-five dollars (\$75) per month; turn-keys, not less than seventy-five dollars (\$75) per month; other subordinate policemen and firemen, not less than seventy-five dollars (\$75) per month.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the above be and the same are hereby repealed. Repeal of conflicting laws.

SEC. 3. *Be it further enacted*, That the same take effect from and after its passage.

Passed February 28, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved February 28, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 49.

AN ACT to authorize the County Court of Madison County to pay over to the city of Jackson the taxes assessed and collected in said county for county purposes on the Tennessee Midland Railway Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whereas the County Court

Taxes to be
paid to city of
Jackson au-
thorized.

of Madison County at its quarterly term in April, 1887, in view of the contemplated construction of the Tennessee Midland Railway through said county, a distance of about thirty miles, and in view of the fact that a proposition had been submitted by the corporate authorities to the qualified voters of the city of Jackson, Tennessee, and an election was about to be held to decide whether or not said city should subscribe one hundred and twenty-five thousand dollars (\$125,000) to the capital stock of said railway company, and issue its bonds therefor, and in order to encourage the construction of said railway through said county, did, at said April term, 1887, propose and order that all the taxes to be assessed against the property, rights, privileges, or franchises of said Tennessee Midland Railway Company, or its successors, for county purposes within said county of Madison, should be appropriated to the said city of Jackson for and during the full term of twenty years from the construction of said railway through said county, all which appears from a certified copy from the minutes of said court at said April term, 1887; and, whereas, said subscription of \$125,000 to the capital stock of said railway company was voted, and the bonds of said city of Jackson to the amount of \$125,000 were issued and delivered in payment therefor; and, whereas, said railway has been constructed and is in operation entirely through said county as contemplated; and, whereas, doubts have arisen as to the power of said court to pay over said tax to said city without an enabling Act of the Legislature, therefore the County Court of Madison County is hereby authorized and empowered, pursuant to said resolution at its April term, 1887, to pay over to said city of Jackson all of the taxes which are or shall be assessed and collected on the property, rights, privileges, or franchises of said Tennessee Midland Railway Company, or its successors, for county purposes within said county of Madison for and during said term of twenty years from its construction through said county.

Act ratified.

SEC. 2. *Be it further enacted*, That the action of said County Court at its April term, 1887, above recited, and as the same appears of record in said court, be and the same is hereby ratified and confirmed.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 7, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 16, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 50.

AN ACT to change the lines between the Counties of Gibson and Crockett.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the Counties of Gibson and Crockett be so changed as to include in the County of Gibson the lands of J. H. Blakemore, lying on the west side of Forked Deer River. ^{Change of county line.}

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 12, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 16, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 51.

Sheriffs, etc., to make returns in ink. AN ACT to be entitled an Act to require Sheriffs, Constables, and all officers to make their return upon all legal processes with pen and ink, or some other non-erasable fluid.

Violation a misdemeanor. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Sheriffs, Constables, and all officers be required to make their return upon all processes issued to them with pen and ink, or some other non-erasable fluid; *provided,* however, that the failure of the officer to make his return as required by this Act shall in no case vitiate the return.

SEC. 2. *Be it further enacted,* Any officer violating this Act shall be guilty of a misdemeanor, and on conviction, shall be fined as in other cases of misdemeanor, and shall be further liable in damages to any person or persons aggrieved by a violation of this Act. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Passed March 7, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 16, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 52.

AN ACT to amend Chapter 74 of the Acts of the General Assembly of 1857-8, as far as the same applies to the incorporation of the town of Ripley, Tennessee.

To amend an Act relating to Ripley.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter 74 of the Acts of 1857-8, from and beginning with Section 7 and

ending with Section 16 of said Act be so amended that the elections for Mayor and Aldermen of the town of Ripley, Tennessee, be held every two years instead of every year, as provided by said Act, and that the present Board of Mayor and Aldermen of Ripley, Tennessee, hold their offices for two years from the date of their election and until their successors are elected and qualified.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 9, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 16, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 53.

AN ACT to amend chapter 112 of the Acts of 1883 as codified in sections 6121 and 6122 of Milliken & Vertrees' compilation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 1 of Chapter 112 of the Acts of 1883 be so amended as to read as follows: When the death penalty shall be enforced, the same shall be enforced within the prison where the convict shall be confined or within an inclosed yard, if there be one, or if none, within an inclosure to be erected for that purpose, within two miles of said prison, place to be selected by Sheriff. Death penalty.

SEC. 2. *Be it further enacted*, That Section 2 of said chapter be so amended as to read as follows: The inclosure in which the death penalty shall be enforced shall be higher than the gallows, or so constructed as to exclude the view of persons outside thereof. Said inclosure shall be erected under the order of the Sheriff at the expense of the county To exclude view.

where said execution takes place, not to exceed fifty (\$50) dollars.

How conveyed
to place of exe-
cution.

SEC. 3. *Be it further enacted*, That if the place of hanging be outside of the jail inclosure, the convict shall be carried to the place of hanging in a covered vehicle, so that he may not be seen by persons outside the inclosure.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 9, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 16, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 54.

AN ACT to change the county lines between Hardeman and Chester Counties.

Change of
county line.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county line between Chester and Hardeman Counties be so changed as to include wholly within the limits of Hardeman County the lands of the following, to wit: Vincent King, S. B. White, J. N. Wilson, Solomon Wilson, Eliza Glidewell, and James Glidewell.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 12, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 16, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 55.

AN ACT to change the line between the counties of Wilson and Cannon.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That the line between the counties of Wilson and Cannon be so changed as to include and embrace the lands of R. A. Hancock and J. R. Dougherty within the limits of Cannon County.* ^{Change of county line.}

SEC. 2. *Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.*

Passed March 12, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 16, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 56.

AN ACT to change the line between the counties of Rutherford and Wilson so as to include the lands of R. D. Puckett in Rutherford County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That the line between the counties of Rutherford and Wilson be so changed as to follow the meanderings of the center of Fall Creek on the north boundary of R. D. Puckett's lands to the center of the Cumberland and Stones River Turnpike,* ^{Change of county line.}

thence with the center of said turnpike to the intersection of the old line, so as to include the lands of R. D. Puckett in Rutherford County.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 12, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 16, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 57.

AN ACT to change the line between the counties of Cannon and Warren.

Change of
county line.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the counties of Cannon and Warren be so changed as to include the land of Warren Cumings, known as the Gordon Farm, in Cannon County.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 12, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 16, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 58.

AN ACT to change the line between the Counties of Monroe, Loudon, and McMinn.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the Counties of Monroe, McMinn, and Loudon be so changed as to include all the land of S. R. Murray in the County of Monroe. ^{Change of county line.}

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 12, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 16, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 59.

AN ACT to change the line between the counties of McNairy and Chester so as to attach the lands of C. C. Jones and J. S. Ball to Chester County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the counties of McNairy and Chester be so changed as to detach the lands of C. C. Jones and J. S. Ball contained in their bodies of land intersected by the line from the county of McNairy and attach the same to the county of Chester. ^{Change of county line.}

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 12, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 16, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 60.

AN ACT to change the county line between the counties of Overton and Putnam.

Change of
county line.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county line between the counties of Overton and Putnam be changed so as to include John Barnes, and the land upon which he now lives, in the county of Putnam; *provided, however*, that nothing in this Act shall be so construed as to affect the rights of any other citizen except the above named petitioner, or to reduce the county of Overton below her constitutional limits.

Passed March 12, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 16, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 61.

AN ACT to change the county line between Hardin and McNairy Counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That the county line between the counties of Hardin and McNairy be so changed as to include all the lands of J. H. Mitchell in Hardin County.* ^{Change of county line.}

SEC. 2. *Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.*

Approved March 12, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 16, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 62.

AN ACT to change the lines between the counties of Clay and Overton.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That the line between the counties of Clay and Overton be so changed as to include all the lands of Thomas Marlin and J. K. P. Davis in the county of Clay.* ^{Change of county line.}

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 12, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 16, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 63.

AN ACT to establish and fix certain days as legal holidays amending Section 1966 of the Code (being Section 2723 of the compilation of the laws by Milliken & Vertrees) prescribing the time when negotiable paper falling due on any legal holiday shall be due and payable, and defining certain days as legal holidays.

To establish
legal holidays.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the first day of January, the twenty-second day of February, the Fourth day of July, the twenty-fifth day of December, Good Friday, Decoration Day, Memorial Day, and when either of these days fall on Sunday, then the following Monday to be substituted; also all days appointed by the Governor of this State, or by the President of the United States, as days of fasting or thanksgiving, and all days set apart by law for holding County, State, or National elections throughout the State are made holidays, on which all public offices of this State may be closed and business of every character, at the option of the parties in interest or managing the same, may be suspended.

When negoti-
able paper is
due.

SEC. 2. *Be it further enacted*, That in order to remove any impediments in the way of the observance of any of said days named in the first section of this

Act as holidays, all negotiable paper falling due on either of said days shall be due and payable the first business day preceding the same.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 12, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 16, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 64.

AN ACT to be entitled An Act to repeal the charter of the town of Camden, Benton County, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an Act passed January 12, 1838, entitled an Act to incorporate the town of Camden, in the county of Benton, and also an Act passed November 8, 1847, entitled an Act to incorporate the town of Camden, in the county of Benton and the inhabitants thereof, be and the same is hereby repealed, and the charter of said town abolished. To repeal charter of Camden.

SEC. 2. *Be it further enacted,* That this Act take effect from and after the first day of July, 1889.

Passed March 12, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 16, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 65.

AN ACT to change the line between the counties of McMinn and Polk.

Change of
county line.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the counties of McMinn and Polk be so changed as to include all the lands of N. S. Price in the county of Polk.

Passed March 12, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 16, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 66.

AN ACT to amend Chapter 71 of Acts of 1887 so as to include the
• county of Hawkins within the provisions of said chapter.

To amend Acts
of 1887, to in-
clude Hawkins
County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 71 of the Acts of 1887 be and the same is hereby so amended as to include and apply to Hawkins County.

Judge to charge
accordingly.

SEC. 2. *Be it further enacted*, That it shall be the duty of the Judge holding the Circuit Court in the county mentioned in Section one of this Act to make special reference to said amended Act in his charge to the grand jury at each term of said Court.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 12, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 16, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 67.

AN ACT to amend Section 3, Chapter 5, Acts of the Call Session of 1872.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 3, Chapter 5, Acts of the Call Session of 1872, be amended so as to read: The Governor, Secretary of State, and Attorney-General for the State be and they are hereby constituted a Board of Inspectors, whose duty it shall be to compare the vote for Senators and joint Representatives in the several Senatorial and Floatorial districts of the State, and declare the result.

Board of Inspectors.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 13, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 16, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 68.

AN ACT to prevent the selling, giving, furnishing to, or procuring for, any husband who is an habitual drunkard, of any intoxicating liquors.

Selling liquors
to habitual
drunkards.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be unlawful for any person engaged regularly, or otherwise, in the manufacture or sale of any spiritous, vinous, malt, or mixed liquors, their employes, agents, servants, or any person for them, to sell, give, furnish to, or procure for any husband who is an habitual drunkard, any intoxicating liquors after having been served with a written notice prohibitory thereof, signed by the wife of such husband.

Serving and
return of no-
tice.

SEC. 2. *Be it further enacted,* That said notice shall be served and a due return thereof made to the Clerk of the County Court by the Sheriff or any Constable of the county wherein such person is engaged in the manufacture or sale of said liquors.

Violation a
misdemeanor.

SEC. 3. *Be it further enacted,* That any person or persons violating the provisions of the first section of this Act shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than ten nor more than two hundred dollars.

SEC. 4. *Be it further enacted,* That this act take effect from and after its passage, the public welfare requiring it.

Passed March 13, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 16, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 69.

AN ACT to repeal the charter of Carter's Creek, in Maury County, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the charter of the town of Carter's Creek, in Maury County, be and the same is hereby repealed. To repeal charter of Carter's Creek.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 13, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 16, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 70.

AN ACT to be entitled An Act to prevent certain corporations from consolidating, and forbidding one of such corporations from acquiring, by contract or otherwise, the franchises or property of another like corporation, except with the consent of the municipal governments of the cities or towns in which such corporations are located, or carry on their business wholly or in part.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter it shall not be lawful for any corporation chartered or authorized to build or operate, or operating a street railway, whether by steam, electricity, horse power, or otherwise, nor for any corporation chartered to manufacture or furnish, or furnishing gas, electricity, or other substance To prevent corporations from consolidating.

for the lighting of the streets or public places of any town or city, or for the use or consumption of the inhabitants of such town or city, nor any corporation chartered to supply or supplying any town or city or the inhabitants thereof with water to acquire the franchises or property of any other similar corporation located or carrying on its operations within any city or town in this State, or partly in such city or town, and in the territory adjacent to the same, by consolidation, purchase, lease, or in any other way or mode, except only by and with the permission and by and with the approval and consent expressed officially in writing of the municipal government of the city or town in which such corporations respectively are located, or carry on their business wholly or in part, and then only upon such terms and conditions as the said municipal governments may respectively prescribe; *provided*, that such terms and conditions shall not violate any law.

Violation forfeits charter.

SEC. 2. *Be it further enacted*, That any violation of the terms of the foregoing section shall cause the forfeiture by each corporation consenting to or participating in such violation of its charter and franchises, and such forfeiture may be enforced at the suit of the State by its proper officer, or at the instance of any other person who may elect to enforce the same by a suit brought in his own name for the purpose. And the court declaring such forfeiture shall wind up the affairs of each corporation so forfeiting its charter and franchises and apply its property to the payment of its debts, and distribute the residue, if any, among its stockholders, or as otherwise prescribed by law.

Conflicting Acts repealed.

SEC. 3. *Be it further enacted*, That this Act take effect and be in force from and after its passage, the public welfare requiring it, and that all laws and parts of laws inconsistent with this Act be and the same are hereby repealed.

Passed March 13, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 19, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 71.

AN ACT to regulate the laying out and working of Public Roads, and compile the Road Law, and to include all laws on this subject in one Act.

SECTION 1. *Be it enacted by the General Assembly of* Public roads. *the State of Tennessee,* That all the roads now laid out, according to law, or shall be laid out, shall be deemed public roads.

SEC. 2. *Be it further enacted,* That the civil district Civil district to be road district. shall hereafter be the road district.

SEC. 3. *Be it further enacted,* That any Overseer may Overseer may contract. contract with any tax payer belonging to his section of road to perform any labor upon his section of the highway, or to furnish any material for the same, and give the necessary credit therefor.

SEC. 4. *Be it further enacted,* That the County Court Duties of Clerk and Sheriff. Clerk shall, within ten days after the election or appointment of any Overseer, deliver to the Sheriff duplicate certificates thereof giving the limits and class of his section of road, the farms and residences allotted to his section, and the number of days the hands are to work, and said Sheriff shall deliver one copy to said Overseer, and make his returns on the other within twenty days, to be filed in the office of the County Court Clerk, and, on failure so to do, said Clerk or Sheriff shall forfeit and pay five dollars for each offense, to be recovered before any Justice of the Peace of his county, for any road hand or tax payer of such Overseer's section, such sum forfeited to be paid to the County Trustee for the use of public roads.

SEC. 5. *Be it further enacted,* That the County Court County Court to classify roads. shall classify the public roads in their respective counties into four classes, to be entered of record in the office of the County Court Clerk, in a book to be kept for that purpose, and shall assign to each Overseer of such road hands within said bounds, giving the names of the owners or occupants of the farms or residences thereon necessary to keep such in good repair, having regard to nearness of such hands as much as practical, and may make such changes from time to time as they may deem best.

County Court to
appoint Overseers.

SEC. 6. *Be it further enacted*, That the County Court shall appoint all Overseers, who shall have charge of not less than one nor more than five miles of road, and who shall reside on or near one of the roads over which he may be appointed, and who shall serve for the term of one year, or until his order of appointment is returned or his dismissal by the County Court. He shall not be required to serve more than one in three years.

Tools.

SEC. 7. *Be it further enacted*, That the County Courts shall purchase and have supervision of all road tools of their respective counties, and make provision for the protection of the same.

Application to
open and close
public roads.

SEC. 8. *Be it further enacted*, That all applications to open, change, or close a public road shall be made to the County Court, which shall have power to appoint a jury of view, consisting of not less than three nor more than five men; *provided* five days' notice shall be given to all land owners, or parties controlling lands which are touched by said roads, proposed to be located, changed, or closed. which jury may employ a surveyor or civil engineer, and said jury shall have the power of condemnation, and to assess damages, and parties aggrieved may appeal to the County Court; and, *provided further*, that seven Justices may constitute a quorum to try all appeals in road cases.

Removal of
Overseer.

SEC. 9. *Be it further enacted*, That the County Court may remove any Overseer from office who shall fail or refuse to perform his duty, or comply with any reasonable order of said Court.

Judge to settle
with Overseers,
when.

SEC. 10. *Be it further enacted*, That the Judge or Chairman of the County Court shall settle with the various Overseers in his county before the twenty-fifth day of December in each year, for services rendered by giving an order on the County Trustee for the amounts due them, and he shall require each Overseer to make oath of the number of days of actual service, and may require proof of the safe keeping of all tools furnished said Overseer before paying him his per diem.

Failure or re-
fusal to work,
penalty.

SEC. 11. *Be it further enacted*, That Overseers shall bring suit before any Justice of the Peace against all persons subject to highway labor belonging to their road section who shall fail or refuse to work or commute for such work when legally notified by the

Overseer, such fine, when collected, to be paid to the County Trustee, who shall pay the same over to the Overseer of said district to be spent in said district, and to be used in the same way as the highway tax, and nothing shall be exempt from execution issued upon said judgment.

SEC. 12. *Be it further enacted*, That Overseers, upon receiving their orders of appointment, shall take immediate supervision of their respective roads, and may work part of the same at any time they may think necessary; *provided*, they shall work the part needing it most first, if practicable, and they shall not be required to give more than three days' notice of the time and place, and they shall be present and superintend all work done; *provided, further*, that but one notice shall be necessary for the number of days worked in succession; *provided, further*, that it shall be sufficient notice to hands given by the Overseer at the close of any day worked, to work on any subsequent day fixed or designated by said Overseer.

Overseers to take supervision, when.

SEC. 13. *Be it further enacted*, That if any highway shall become impassable from any cause whatever, Overseers shall, as soon as the fact becomes known to them, give notice to any hands on the section where said casualty occurs, and repair the same, and shall give such hands credit for the time on any future work.

Credit for time.

SEC. 14. *Be it further enacted*, That any Overseer, or any person acting under his authority, may enter upon any lands adjoining or near to his section of road to construct any drain or ditch for the preservation or improvement of such road, or to obtain any rock, gravel, or timber used upon such road, provided he can do so without imposing any material damage upon the owner, occupant, or agent of said land, said owners, occupants, or agents first being consulted and a fair valuation being agreed upon which shall be paid by the County Trustee upon the order of the Judge or Chairman of the County Court, said order being based upon the Overseer's certificate.

Material, how obtained.

SEC. 15. *Be it further enacted*, That Overseers shall put up durable mile-posts giving distances to county sites or prominent places on all roads to be worked by Overseers, and they shall keep guide-posts at all cross-roads, or forks of roads, directing to the most

Mile-posts.

public places on each road; shall place foot-logs with hand rails over all streams, if practicable, where there are no bridges, and any person willfully damaging any such mile-post, guide-boards, or foot-logs, in any manner, shall be guilty of a misdemeanor.

Inefficient
hands.

SEC. 16. *Be it further enacted*, That Overseers shall dismiss from service upon the roads any hand or hands, whether working for themselves or as substitutes, who shall fail to do good and efficient work, or who shall hinder other hands, or who may be intoxicated, or shall refuse to obey any reasonable order of said Overseers, and shall proceed against said hand or hands as though they had refused to obey the notice of said Overseer.

Ditches and
obstructions.

SEC. 17. *Be it further enacted*, That Overseers shall keep open ditches on the sides of the roads of sufficient width and depth to drain them, and shall remove all dead trees and overhanging limbs in reach of the road, or other obstructions, and to grade their roads to a width of not less than twenty feet between the drains on first-class roads, and not less than fifteen feet on second-class roads, and shall use no material but broken stones or gravel when the same can be conveniently obtained, to form the surface of the road-bed, but they shall not be required to use stones or gravel when unnecessary or impracticable. First-class roads shall be from twenty-four feet to fifty feet wide; second-class roads shall not be less than eighteen nor more than twenty feet; third-class roads shall not be less than fourteen nor more than eighteen feet wide, and fourth-class roads not less than ten feet nor more than fifteen feet wide.

Obstructions.

SEC. 18. *Be it further enacted*, That any person who shall put or cause to be put any brush, briars, or other obstruction upon any highway, or who shall encroach upon the boundaries of any highway by building fences or otherwise, shall be guilty of a misdemeanor, and shall be fined as in other misdemeanors, and it shall be paid to the County Trustee, and expended by him as other highway taxes, and such person or persons shall be liable for any damages caused by said obstruction.

Failure of Over-
seer to perform
duties; penalty.

SEC. 19. *Be it further enacted*, That any Overseer who shall willfully refuse or fail to perform any duties required of him by this Act, or who shall show any partiality or discrimination in the exercise of the

duties of said Overseer's district, he shall forfeit and pay not more than twenty dollars for such offense, to be recovered by any person suing therefor before any Justice of the Peace, and paid by the officer collecting the same to the County Trustee, for the benefit of the highways, and for neglect in keeping his highway in repair any Overseer may be indicted, and, upon conviction, may be fined not less than twenty dollars, the Attorney-General to be prosecutor, and the Judges of the Courts shall give this Act in charge to the Grand Jury, who shall have inquisitorial power over this entire Act, and shall make special inquiry as to whether Overseers have worked their roads as the law directs, and shall send for persons, if necessary, to obtain the information desired; but it shall be a good defense for any Overseer's failure to keep any highway in good repair to show by proof that the entire assessment, in labor and in taxes, has been applied in good faith to such highways as soon as practicable after said money and labor was available to him.

SEC. 20. *Be it further enacted*, That each Overseer shall be paid one dollar for each day required in the performance of the duties imposed upon him by the provisions of this Act, to be paid upon the order of the Judge or Chairman of the County Court by the Trustee on said Overseer making affidavit thereto. The Overseer shall be exempt from working on the highways except in the performance of his official duties; but such Overseer shall be required to contribute, without compensation, as many days of official service as are assessed to the hands working said highway as required by the provisions of this Act. Compensation
of Overseer.

SEC. 21. *Be it further enacted*, That the provisions of this Act shall not apply to incorporated cities or towns, except such towns as are not taxed to keep up their streets, but the County Courts of the respective counties shall order the enforcement of the provisions of this Act in such towns as are not taxed to keep up their streets, and which fail to work the same as prescribed by municipal authority.

SEC. 22. *Be it further enacted*, That it shall be the duty of the County Court to furnish each Overseer a copy of this Act, and the Secretary of State shall cause to be published ten thousand copies of this Act for distribution, according to the population of County Court
to furnish copy
of Road Law.

the several counties, not including the population of incorporated cities and towns, and the same shall be provided for in the general appropriation bill.

Cost of suits in court.

SEC. 23. *Be it further enacted*, That in any suit for the enforcement of any of the provisions of this Act, brought in good faith by any Overseer, if such suit fails the cost shall be paid by the County Trustee, after the same has been appropriated by the County Court, upon the order of the Judge or Chairman of the County Court.

Eight hours constitute day's work.

SEC. 24. *Be it further enacted*, That a days' work, within the meaning of this Act, shall be eight hours of actual service.

Refusal to work a misdemeanor.

SEC. 25. *Be it further enacted*, That it shall be a misdemeanor for any person subject to road duty to refuse to work, when lawtully notified, or willfully to disobey the summons of the Overseer, and any fine imposed upon said person for failure to work, or for disobedience of said summons, shall be applied to road purposes.

County Court to assess.

SEC. 26. *Be it further enacted*. That the County Court in each county in the State shall at the first quarterly term after the passage of this Act, and at each January term thereafter, assess the number of days to be worked by the hands on the public highway, which shall not be less than four nor more than twelve days, and the highway tax, which shall not be less than five cents nor more than twenty cents on the hundred dollars.

Exemptions.

SEC. 27. *Be it further enacted*, That all male inhabitants over eighteen and under forty-five years of age, except such as are permanently disabled from performing ordinary labor (and are released by the Overseer, upon a release from the County Court from paying poll tax), shall work each year not less than four nor more than twelve days on being legally notified in writing by the Overseer of the time and place to commence; any hand so notified may be exempted from work on the road by sending an able-bodied substitute, or by paying seventy-five cents for each day.

Highway tax.

SEC. 28. *Be it further enacted*, That the tax for the highways shall no be less than five nor more than twenty cents on the one hundred dollars worth of property, as shown by the assessment made by the Assessors, and on privileges not more than one-fourth

the assessment made for county purposes. All taxes assessed under this Act, and collected as hereinafter provided, shall be used for maintaining the highways and bridges on each road district in which such assessment is made, and all such tax shall be paid in money. The Overseer shall specify the kind of teams or tools the hands shall furnish, but said hands shall not be required to furnish any teams or tools not owned by them; *provided*, that the railroad tax shall be prorated throughout the county; *provided*, that one horse and plow shall entitle the party to a credit of one day, and two horses and plows, wagon or scraper shall entitle the parties furnishing the same to two days' work on the road, and four horses and wagon entitled to three days' work.

SEC. 29. *Be it further enacted*, That all assessments for highway purposes shall be collected as other revenue by the County Trustee, who shall be allowed a commission of two and one-half per cent. for collecting and paying out the same. Collection of highway tax.

SEC. 30. *Be it further enacted*, That all of said highway tax shall remain in the hands of the County Trustee, and shall be paid out only upon the written order of the Judge or Chairman of the County Court, which shall state specifically for what purpose the same is paid, and to what district, and said Chairman or Judge of the County Court shall copy said order, when issued by him, in a blank book kept for that purpose, and to enter date and to whom issued. Custodian of highway tax.

SEC. 31. *Be it further enacted*, That the County Trustee shall make settlement with the Judge or Chairman of the County Court for the highway tax, and shall account for the same in the same manner that he is now required to make for county taxes. Trustee to settle with Judge.

SEC. 32. *Be it further enacted*, That any person or persons who shall haul, wagon, scrape, or otherwise place or cause to be placed upon any macadamized, cinder, or gravel road any clay or earthworks, brush, or other material or thing which can obstruct or in any way damage, or tend to damage, shall be guilty of a misdemeanor, and shall be fined as in other misdemeanors, and shall be disposed of as set forth in Section 18 of this Act. Placing obstructions a misdemeanor.

SEC. 33. *Be it further enacted*, That all acts passed heretofore providing for the working and laying out of public roads, except such as are incorporated in Repeal of conflicting laws.

this Act, as well as all laws in conflict with this Act, be and the same are hereby repealed, it being the intention of this Act to compile all laws on the subject of laying out and working public roads, and to include them in this Act; *provided*, that nothing in this Act shall be taken or construed to in any way alter, impair, or abridge the power the County Court now has to build, repair, and maintain bridges and turnpikes.

Road tax
prorated.

SEC. 34. *Be it further enacted*, That the Quarterly Court be and is hereby authorized and required to pro rate the road tax in each District among the Overseer's sections therein, in such manner as said courts may think best.

SEC. 35. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 25, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 27, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 72.

AN ACT authorizing the issuance of bonds by municipal corporations having a population of forty thousand inhabitants and upward, according to the Federal census of 1880, to fund outstanding indebtedness, or to sell the same and apply the proceeds to the retirement of bonded indebtedness.

SECTIONS—

1. May issue bonds.
2. Denominations, interest, how proceeds to be devoted.
3. Repealed charters.
4. Act takes effect, when.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Mayor and City Council of any incorporated city or town in the State of Tennessee having a population of forty thousand inhabitants and upward, according to the Federal census of 1880, are hereby authorized, in their corporate capacity, to issue the bonds of said city or town, signed by the Mayor, and countersigned by the Recorder, or such officers as may be designated by ordinance, authorizing the issuance of bonds, with interest coupons attached, which shall be signed by the Treasurer of said city or town, to an amount not exceeding the sum of five hundred thousand dollars, on the passage of this Act, of said city or town, for the use and purpose herein stated and none other.

SEC. 2. *Be it further enacted*, That the bonds herein authorized may be executed of denominations from one hundred dollars to one thousand dollars, and shall mature at such times from one to forty years, as may be determined by ordinance, bearing interest at a rate not to exceed six per cent. per annum, payable semi-annually; *provided*, that such bonds shall be issued exclusively to the liquidation of the outstanding bonded indebtedness of said city or town, now due, or which may become due hereafter, and to this end the corporate authorities of said city or town are hereby empowered, at their option, to fund its outstanding bonded indebtedness, by the issuance of new bonds as aforesaid to the holder of any matured debt, or if the bonds herein authorized will command a

premium, to sell the same and apply the proceeds to the retirement of the said bonded indebtedness; and, *provided, further*, that no bond issued under the provisions of this Act shall be sold or exchanged at less than its par value.

SEC. 3. *Be it further enacted*, That this Act shall not apply to any city whose charter has been repealed.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 14, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 19, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 73.

AN ACT to amend an Act passed June 6, 1885, entitled An Act to amend an Act, entitled an Act to repeal an Act entitled an Act to provide for the settlement of the indebtedness of the extinct municipality, City of Memphis, and to dispose of the funds already collected, or to be collected, thereunder, it being Chapter 162 of the Acts of 1883.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Act aforesaid be amended by adding to the first section thereof the following, viz: "Or for the purpose of paying any claim now accrued or hereafter to accrue against said Taxing District, audited and passed by the Fire and Police Commissioners as a valid indebtedness thereof."

SEC. 2. *Be it further enacted*, That this Act take

Section 1
amended.

effect from and after its passage, the public welfare requiring it.

Passed March 7, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 16, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 74.

AN ACT to amend section 4 of an Act passed June 11, 1885, and approved June 12, 1885, entitled an Act to divide the State of Tennessee into Judicial Circuits and Chancery Divisions, and provide for the administration of justice and equity in the Circuit and Chancery and other inferior Courts of this State, and to fix the time for holding the terms of said Chancery, Circuit, and other Courts.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in order to fix the time ^{Time fixed for holding court.} for holding the Circuit Court in the First Judicial Circuit of Tennessee, composed of the counties of Johnson, Carter, Sullivan, Washington, Unicoi, Greene, Hawkins and Hancock, Section 4 of said Act be amended so as to read as follows: That the Circuit Court shall be held at the following times and places:

Hancock—Second Mondays in January, May, and September.

Hawkins—The third Mondays in January, May, and September.

Greene—The first Mondays after the fourth Mondays in January, May, and September.

Carter—Second Mondays in March, July, and November.

Johnson—The first Mondays in March, July, and November.

Unicoi—Fourth Mondays in February, June, and October.

Sullivan—At Bristol the third Mondays in March, July, and November.

At Blountville—The fourth Mondays in March, July, and November.

Washington—The first Mondays in April, August, and December.

Conflicting Acts
repealed.

SEC. 2. *Be it further enacted*, That all Acts in conflict with this Act be and the same are hereby repealed, and that this Act take effect from and after the 15th day of April, 1889, the public welfare requiring it.

Passed March 7, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 16, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 75.

AN ACT to be entitled An Act to change the line between Davidson and Williamson Counties.

County line
changed.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the Counties of Davidson and Williamson be changed as follows: So as to run from the point where the Davidson and Williamson line now crosses Mill Creek, the line run up in the center of Mill Creek to a point opposite where the Franklin and Lebanon road crosses the Nolensville Turnpike; thence in a straight line, about

fifty yards to the center of said Nolensville Turnpike, where said Franklin and Lebanon road crosses said turnpike; thence up and in the center of said Nolensville Turnpike, it being a southerly direction, to a point opposite the Rock Well; thence in a southeasterly course to where the present line between Davidson and Williamson crosses the Burkett road, and the line of Davidson County is so extended as to include the lands within said boundaries in Davidson County.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 12, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 16, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 76.

AN ACT to change the County line between Weakley and Obion Counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County line between Weakley and Obion Counties be so changed as to include the lands of J. W. Boyd & Co. in Obion County, commencing at a point where the present County Line Road strikes J. W. Boyd & Co.'s north boundary line, running thence north with J. W. Boyd & Co.'s north boundary line one-half mile to the State Line Road separating Tennessee and Kentucky; thence with said State Line Road one-fourth mile to where the present county line now strikes the State line. County line changed.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 12, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 16, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 77.

AN ACT giving the consent and authority of the General Assembly, in behalf of the State of Tennessee, to the location of the buildings of the Cossitt Library, a corporation of the State of Tennessee located at Memphis, Tennessee, for the purpose of a public library, on a portion of the public promenade within the Taxing District of Shelby County.

Consent and
authority
given.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the consent and authority of the General Assembly in behalf of the State of Tennessee be and the same is hereby given to the permanent location of the buildings to be erected by the Cossitt Library, a corporation of the State of Tennessee, located in the city of Memphis for the purpose of a public library, in that portion of the public ground in the city of Memphis, also known as the Taxing District of Shelby County, Tennessee: bounded on the south by Monroe street, on the east by Front street, on the north by the alley south of the ground on which the United States Custom House stands, and on the west by the right of way of the railroad companies occupying a portion of the public promenade; and that the action of the Legislative Council of the Taxing District of Shelby County heretofore had, giving its consent and authority to the permanent location of

said buildings on the said ground upon the terms and conditions stated in the proceedings of the said Legislative Council giving its consent and authority be and the same are hereby in all things ratified, approved and confirmed.

SEC. 2. *Be it further enacted*, That this Act take effect and be in force from and after its passage, the public welfare requiring it.

Passed March 13, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 16, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 78.

AN ACT authorizing the issuance of bonds by municipal corporations having a population of forty thousand inhabitants and upward, according to the Federal census of 1880, that have availed themselves of the powers heretofore granted by the Legislature to issue bonds for water-works purposes, and have negotiated three-fourths of the bonds authorized by previous Acts of the General Assembly of the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Mayor and City Council of any incorporated city or town in the State of Tennessee having a population of forty thousand inhabitants and upward, according to the Federal census of 1880, that has availed itself of the powers heretofore granted by the Legislature to issue bonds for water-works purposes, under the Acts of March 10, 1881 April 24, 1882, March 7, 1885, and March 26, 1887, and has negotiated three-fourths of the bonds authorized to be issued by previous Acts of the General Assembly of the State of Tennessee, and ex-

Mayor and
City Council to
issue bonds.

pende the proceeds, approximating the sum of nine hundred thousand dollars in the improvement of said water-works system, are hereby empowered, in their corporate capacity, to issue the bonds of said city or town signed by the Mayor and Recorder, with interest coupons attached, which shall be signed by the Treasurer of said city or town, to an amount not exceeding five hundred thousand dollars. But it is hereby intended that in conferring this authority that the power here given to issue the said five hundred thousand dollars is for this purpose and no other; that three hundred thousand dollars of the amount named is not in fact an addition to the one million two hundred thousand dollars previously authorized, but for the purpose of extending the limit of maturity in order to further favorable and satisfactory negotiation, and that the two hundred thousand dollars is intended as an addition to the amounts authorized by the Acts of the General Assembly of the State of Tennessee of March 10, 1881, April 24, 1882, March 7, 1885, and March 26, 1887, in order to complete the water-works system of said city or town, and to purchase an additional engine, or make such other improvement as will make the system perfect and complete.

Denominations
of bonds.

SEC. 2. *Be it further enacted*, That the five hundred thousand dollar bonds herein authorized may be executed of the denominations of one hundred, five hundred, and one thousand dollars, and shall mature at such time, not less than ten nor more than forty years, and shall bear such rate of interest, not exceeding six per cent. per annum, payable semi-annually, as may be prescribed by corporate ordinance; and said bonds and coupons may, if the Mayor and City Council of said city or town so elect, be made receivable for taxes due said city or town.

Bonds, how
used.

SEC. 3. *Be it further enacted*, That said bonds shall be used exclusively for the completion of the water-works improvement system, purchasing and laying of main and supply pipes, the furnishing of the reservoir and improvement of adjacent grounds, the purchase of additional engine and machinery, and for any other legitimate purpose necessary in furnishing an ample supply of pure and wholesome water to the citizens of said corporation.

SEC. 4. *Be it further enacted*, That for the purposes

above mentioned said corporations are hereby empowered to sell the bonds herein authorized and apply the proceeds to the payment of said improvements; *provided, however*, that no bond issued under the provisions of this Act shall be sold for less than its par value. Bonds, how applied.

SEC. 5. *Be it further enacted*, That for the better security of the payment of said bonds at maturity, the said Mayor and City Council of any corporation as aforesaid are hereby authorized to pledge the surplus receipts of the water-works department, over and above necessary running expenses, for a prescribed period as a "Trust Fund," to be applied exclusively to the payment of said bonds as the same mature. Trust fund.

SEC. 6. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 14, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 20, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 79.

AN ACT to enlarge the boundaries of the City of Nashville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the boundaries of the city of Nashville be so enlarged as to run as follows, viz.: City boundaries enlarged.
"Beginning at a point where the corporate limits of Nashville intersect the front boundaries of lot number 26 in the plan of North Nashville Real Estate Company, said lot fronting on the west side of North High street, running thence northwardly to the northern boundary of said lot; thence running westwardly 172 feet to an alley; thence southwardly along the western boundary of said lot to the corporation line," so as to include within the city limits all of lot number 26 belonging to Mrs Josephine Faber.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 13, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of Senate.

Approved March 16, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 80.

AN ACT to extend the corporate limits of Pulaski.

Corporate limits extended SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the corporate limits of the town of Pulaski be changed and extended as follows: Beginning at the south-west corner of the corporation as it now is, on the Louisville & Nashville Railroad; thence with said railroad south-eastwardly 29 poles; thence east about 36 poles to the Pulaski and Elkton pike; thence northwardly with said pike $9\frac{1}{2}$ poles to the corporation line as it now is; thence westwardly with said corporation line $54\frac{3}{4}$ poles to the beginning.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 13, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 16, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 81.

AN ACT to provide a remedy for purchaser and seller in conditional sales of personal property.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter when any personal property is sold upon condition that the title remain in the seller until that part of the consideration remaining unpaid is paid, it shall be the duty of said seller, having regained possession of said property because of the consideration remaining unpaid at maturity, to, within ten days after regaining said possession, advertise said property for sale for cash to the highest bidder, by printed hand-bills or written or printed notices posted on the door of the court-house of the county in which said seller resides, and also at two public places in the civil district in which said original purchaser resides (said notice to be posted at least ten days before the day of sale and to contain a description of the property to be sold, and time and place of said sale), unless the debt is satisfied before the day of sale, then it shall be the duty of said original seller, or his agent, at the time and place as stated in said notices, to offer for sale and sell said property as provided above, and with the proceeds of said sale satisfy the amount of his claim arising from said conditional sale above mentioned, and the expenses of advertisement, if any, and the remainder of said proceeds, if any, he shall pay over to the original purchaser; *provided*, the said original seller and purchaser may at any time, by agreement, waive the sale provided in this Act.

SEC. 2. *Be it further enacted,* That the seller mentioned in Section 1 of this Act may become a bidder and purchaser at the sale provided in said section.

SEC. 3. *Be it further enacted,* That should said property, at the sale provided by this Act, fail to realize a sufficient sum to satisfy the claim of the seller, the balance still remaining due on said claim shall be and continue a valid and legal indebtedness as against said original purchaser.

SEC. 4. *Be it further enacted,* That should the seller, having regained possession of said property, fail to

Personal
property,
possession of.

- Dec. 8. 1911

Seller may
become bidder.

Original
purchaser may
recover, when.

advertise and sell the same as provided by this Act (unless said sale is waived as provided), the original purchaser may recover from said seller that part of the consideration paid in an action for the same before any Justice of the Peace, or Court having jurisdiction of the amount.

Original
purchaser may
recover.

* SEC. 5. *Be it further enacted*, That should said property, sold under this Act, realize an amount more than sufficient to satisfy the claim of the seller and expense of advertisement, and the balance be not paid to the original purchaser as provided in Section 1, then the said original purchaser may recover said balance from said seller by motion before any Justice of the Peace or Court having jurisdiction of the amount after having given five days written notice to said seller of the time and before what Justice or Court said motion is to be made, said notice to be served by a Constable, Sheriff, or his Deputy.

SEC. 6. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 15, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 20, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 82.

AN ACT to amend the charter of the Mountain City Fire and Marine Insurance Company of Chattanooga, Tennessee, incorporated by Section 4, Chapter 122, Acts of 1869-70, passed March 3, 1870.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That Section 4 of Chapter 122, Acts of 1869-70, passed March 3, 1870, be and the same is hereby amended by changing the name of the Insurance Company therein chartered under the style of the Mountain City Fire and Marine Insurance Company of the City of Chattanooga, Tennessee, to the Chattanooga Fire Insurance Company of Chattanooga, Tennessee.* ^{Change of name.}

SEC. 2. *Be it further enacted, That this Act shall take effect from and after its passage, the public welfare requiring it.*

Passed March 15, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 20, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 83.

AN ACT to amend Section 2136, Chapter 5 of the Code of Tennessee, relating to the redemption of land sold for debt, and to repeal an Act passed July 5, 1870, Chapter 111, Acts Second Session of 1870 (M. & V. Code, Section 2959), entitled "An Act to amend Section 2136, Chapter 5 of the Code of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That Section 2136, Chapter 5 of the Code of Tennessee be and the same is hereby* ^{Code amended.}

amended so as to insert after the words "the debtor," the words "or party entitled to redeem."

Conflicting
laws repealed.

SEC. 2. *Be it further enacted*, That an Act passed July 5, 1870, Chapter 111, Acts Second Session 1870 (Milliken & Vertrees Code, Section 2959), entitled "An Act to amend Section 2136, Chapter 5 of the Code of Tennessee, be and the same is hereby repealed.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 15, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 20, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 84.

AN ACT to amend the revenue laws of this State so as to exempt from taxation all parsonages belonging to any religious denomination of the value of five thousand dollars (\$5,000), or less.

Parsonages
exempt.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That no parsonage belonging to any church or religious denomination, and appropriated to the maintenance of the incumbent or settled pastor of a church which is of the value of five thousand (\$5,000) dollars, or less, shall be assessed for taxation, or taxes levied and collected thereon, under the revenue laws of this State.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 15, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 20, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 85.

AN ACT to amend Section 1 of an Act entitled "An Act to amend Section 1277, 1284, and 1292 of Chapter 8, Article 3 of the Code concerning turnpikes, passed March 26, 1877, and approved March 26, 1877, and codified in Milliken & Vertrees' Code, Section 1465.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 1 of an Act entitled "An Act to amend Section 1277, 1284, and 1292 of Chapter 8, Article 3 of the Code concerning turnpikes, passed and approved March 26, 1877, and codified in Milliken & Vertrees' Code, Section 1465, be amended so as to make the Judge or Chairman of the County Courts of this State *ex officio* Superintendents of the turnpikes within the limits of their respective counties, and said Judges or Chairmen shall have power, and it shall be their duty to inspect said turnpikes whenever they may deem it proper or necessary, either alone or in company with the turnpike Superintendent heretofore provided for, or said Judge or Chairman may, at his option, order said Superintendents to inspect said turnpikes whenever he deems it necessary or proper; *provided*, that no Judge or Chairman of any County Court shall have

Ex officio Superintendents and their duties.

authority to inspect any turnpike in which he is a stockholder; *and provided, further*, that no Judge or Chairman of any County Court or any turnpike Superintendent or Commissioner for the inspection of turnpikes shall have authority to inspect any turnpike beyond the limits of the county to which they are appointed; *and provided, further*, that said Judges or Chairmen of the County Court shall receive no compensation for the aforesaid service, except that said Judges or Chairmen shall pay no toll when inspecting said turnpikes.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 15, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 20, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 86.

AN ACT to change the name of the Female Academy at Decaturville to the Decaturville High School.

Change of title. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of the Act passed February 2, 1846, also an Act passed January 23, 1850, and an Act passed January 3, 1856, incorporating the Female Academy in the town of Decaturville, be so amended as to change the title from the Female Academy to the Decaturville High School.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the common welfare demanding it.

Passed March 15, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 20, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 87.

AN ACT to amend Section 119 of "An Act to incorporate the town of Maynardsville, and for other purposes," passed February 17, 1870, so as to change the name of the "Safe Deposit Company at Memphis" to the "Safe Deposit and Investment Company of Memphis."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 119 of the Act ^{Change of name.} passed February 17, 1870, entitled "An Act to incorporate the town of Maynardsville, and for other purposes," be so amended as to change the name of the "Safe Deposit Company of Memphis" to "The Safe Deposit and Investment Company of Memphis."

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 15, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 20, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 88.

AN ACT to prevent the scalage on cotton.

Unlawful to
deduct scalage.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter it shall be unlawful for any purchaser or weigher of cotton to deduct two pounds, or any number of pounds, known as "Scalage," from the actual weight of any merchantable bale of cotton weighed or purchased by them.

Purchasers to
account for.

SEC. 2. *Be it further enacted*, That purchasers shall account to the seller of cotton, in all instances, for the actual weight of the bale purchased, or weighed, except in cases of wet or damaged cotton, when the amount to be deducted shall be agreed upon by the parties buying and selling.

Violation, pen-
alty for.

SEC. 3. *Be it further enacted*, That for each violation of this Act the offender shall be deemed guilty of a misdemeanor, and, upon conviction by a court of competent jurisdiction, he shall be fined not less than ten nor more than twenty dollars.

SEC. 4. *Be it further enacted*, That this Act take effect and be in force from and after its passage, the public welfare requiring it.

Passed March 15, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 20, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 89.

AN ACT to grant the United States Government the right of way over the public highway leading from the steamboat landing in the town of Dover, in Stewart County, to the Fort Donelson National Cemetery, near said town, and to authorize the United States Government to construct a graveled or macadamized road and sidewalks over said highway.

SECTION 1. *Be it enacted by the General Assembly* ^{Right of way granted.} *of the State of Tennessee,* That the United States Government be and is hereby granted a right of way over the public highway leading from the steamboat landing in the town of Dover, Stewart County, to the Fort Donelson National Cemetery, near said town, with power and authority to construct and maintain a graveled or macadamized road and sidewalks over said highway; *provided,* that said road and sidewalks shall be and forever remain a public highway, free to all persons; *provided, further,* that the courts of the State of Tennessee shall, as now, continue to have and exercise exclusive jurisdiction of all offenses against the laws of this State which may be committed on said road or sidewalks.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 15, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 20, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 90.

AN ACT to amend Sections 154 and 162 of the Code of Tennessee, by Milliken & Vertrees, and Section 5 of Chapter 70 of the Acts of 1869-70, of Tennessee, and to transfer the Thirteenth Civil District of Gibson County from the jurisdiction of the Law Court of Humboldt and the Chancery Court of Humboldt to the jurisdiction of the Circuit Court and Chancery Court of Gibson County, held at Trenton.

Code amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 154 of the Code of Tennessee, by Milliken & Vertrees, and Section 5 of Chapter 70 of the Acts of 1869-70, of Tennessee, be so amended that the Thirteenth Civil District of Gibson County is hereby transferred from the jurisdiction of the Law Court of Humboldt and attached to and included within the jurisdiction of the Circuit Court of Gibson County, held at Trenton, and that the jurisdiction of said Circuit Court be so extended as to embrace said Thirteenth Civil District of Gibson County.

Chancery jurisdiction extended.

SEC. 2. *Be it further enacted*, That Section 162 of the Code of Tennessee, by Milliken & Vertrees, and Section 5 of Chapter 70 of the Acts of 1869-70, of Tennessee, be so amended that the Thirteenth Civil District of Gibson County is hereby transferred from the jurisdiction of the Chancery Court of Humboldt and attached to and included within the jurisdiction of the Chancery Court of Gibson County, held at Trenton, and that the jurisdiction of said Chancery Court of Gibson County, held at Trenton, be so extended as to embrace said Thirteenth Civil District of Gibson County.

Causes transferred.

SEC. 3. *Be it further enacted*, That the Clerk and Master of the Chancery Court of Humboldt shall transfer any cause now pending in said Chancery Court to the Chancery Court of Gibson County, held at Trenton; and the Clerk of the Law Court of Humboldt shall transfer any cause now pending in said Law Court to the Circuit Court of Gibson County, held at Trenton, upon the application of both parties, by their solicitors or attorneys or in person, where the defendant or defendants live in said Thirteenth Civil District of Gibson County, and when any cause or causes are transferred they

shall be heard, in all respects, as if they had been brought in said court to which they are transferred; *provided*, that in all criminal causes now pending in said Law Court, at Humboldt, in which defendants have been indicted, or prosecuted, or bound over to appear at the March term of the court, 1889, or in jail awaiting the action of the grand jury of said term, the jurisdiction of said Law Court try and to finally dispose of said causes, and to punish, in case of conviction, shall be and remain as full and ample as though this bill had not been passed.

SEC. 4. *Be it further enacted*, That all Acts or parts of Acts in conflict with this be hereby repealed. ^{Conflicting laws repealed.}

SEC. 5. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 15, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 20, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 91.

AN ACT to abolish the charter of the town of Montezuma in the County of Chester.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter of the town of Montezuma in the County of Chester be and the same is hereby abolished. ^{Charter abolished.}

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 16, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 20, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 92.

AN ACT to compensate J. J. Williams for legal services rendered the State.

Comptroller
to issue war-
rant.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller issue his warrant for the sum of one hundred and fifty dollars for legal services rendered the State in the case of the University of the South against A. J. Skidmore, Trustee of Franklin County in the Chancery and Supreme Courts, and said amount is hereby appropriated for that purpose.

Passed March 16, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 20, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 93.

AN ACT to amend the charter of North Knoxville, to repeal all laws in conflict therewith, and authorizing it to borrow money and issue bonds for corporate purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the corporation of "North Knoxville" shall have and possess all the rights, powers, and privileges, and be governed by the regulations and restrictions hereinafter prescribed and enumerated as follows, to wit:

Corporate powers.

SEC. 2. *Be it further enacted*, That the corporation shall have perpetual succession, shall sue and be sued, implead and be impleaded in all the Courts of law and equity and in all actions whatsoever; may purchase, receive, and hold property, real and personal, within said town, and may purchase, receive, and hold property, real and personal, beyond the limits of the town to be used for the burial of the dead, for the erection of water-works, work-houses, or houses of correction, and public parks and other corporate purposes, and may sell, lease, or dispose of such property for the benefit of the town, and do all other acts touching the same as natural persons; it shall have and use a common seal, and may change it at pleasure.

Succession perpetual.

SEC. 3. *Be it further enacted*, That the officers of the town of North Knoxville to be chosen by the people shall be a Mayor and Board of Aldermen, constituting a town Council, each and all of whom shall be citizens of and voters in said town. The Board of Aldermen shall consist of six members chosen by the qualified voters of said town for two years. No person shall be an Alderman unless he has been for six months and then he be a *bona fide* resident of the town. Any Alderman, after his election, removing from the town, shall thereby vacate his said office.

Officers, how and by whom chosen.

SEC. 4. *Be it further enacted*, That the Town Council shall, at its first meeting in each year, elect a Recorder, Marshal, and such other officers, servants, and agents as they may deem necessary, and may provide for by ordinance, and shall have power to prescribe the duties of same, all of which officers, agents, and servants, shall be *bona fide* citizens of and voters in said corpo-

Duties of Town Council.

Original
purchaser may
recover, when.

advertise and sell the same as provided by this Act (unless said sale is waived as provided), the original purchaser may recover from said seller that part of the consideration paid in an action for the same before any Justice of the Peace, or Court having jurisdiction of the amount.

Original
purchaser may
recover.

* SEC. 5. *Be it further enacted*, That should said property, sold under this Act, realize an amount more than sufficient to satisfy the claim of the seller and expense of advertisement, and the balance be not paid to the original purchaser as provided in Section 1, then the said original purchaser may recover said balance from said seller by motion before any Justice of the Peace or Court having jurisdiction of the amount after having given five days written notice to said seller of the time and before what Justice or Court said motion is to be made, said notice to be served by a Constable, Sheriff, or his Deputy.

SEC. 6. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 15, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 20, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 82.

AN ACT to amend the charter of the Mountain City Fire and Marine Insurance Company of Chattanooga, Tennessee, incorporated by Section 4, Chapter 122, Acts of 1869-70, passed March 3, 1870.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That* Section 4 of Chapter 122, Acts of 1869-70, passed March 3, 1870, be and the same is hereby amended by changing the name of the Insurance Company therein chartered under the style of the Mountain City Fire and Marine Insurance Company of the City of Chattanooga, Tennessee, to the Chattanooga Fire Insurance Company of Chattanooga, Tennessee. Change of name.

SEC. 2. *Be it further enacted, That* this Act shall take effect from and after its passage, the public welfare requiring it.

Passed March 15, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 20, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 83.

AN ACT to amend Section 2136, Chapter 5 of the Code of Tennessee, relating to the redemption of land sold for debt, and to repeal an Act passed July 5, 1870, Chapter 111, Acts Second Session of 1870 (M. & V. Code, Section 2959), entitled "An Act to amend Section 2136, Chapter 5 of the Code of Tennessee."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That* Section 2136, Chapter 5 of the Code of Tennessee be and the same is hereby Code amended.

and detention of all suspicious persons found violating any ordinance of the town.

23. To prevent and punish, by pecuniary penalties or otherwise, all breaches of the peace, noise, disturbances, or disorderly assemblies in any alley or street, house or place in the town, by day or by night.

24. To prevent and remove all encroachments into and upon all streets, lands, parks, avenues, and alleys established by law or ordinance.

25. To remove all obstructions from the sidewalks, and to provide for the construction and repair of all sidewalks and curb-stones, and for cleaning the same, and of the gutters, at the expense of the owners of the ground fronting thereon.

26. To regulate, tax, license, or suppress the keeping or going at large of animals within the town or any prescribed and designated part of the town, to provide pounds, and to impound any animal or animals, and, in default of redemption, in pursuance of ordinance, to sell, dispose of, or kill the same.

27. To pass all ordinances, not contrary to the constitution and laws of the State, that may be necessary to carry out the provisions and full intent and meaning of the object of their incorporation.

28. To commit any person or persons who may fail or refuse to pay or secure any fine or cost imposed on him or them by any ordinance of said town to the jail or work-house of said town, or the jail or work-house of Knox County, until such fine and cost be fully paid or secured; every person so committed to the jail or work-house shall be required to work for the town at such labor as his or her health and strength will permit, within or without said jail or work-house, not exceeding ten hours each day, and, for such work, the person so employed shall be allowed, exclusive of his board, a credit upon such fine and cost of not less than twenty-five cents a day until the whole is discharged, when he shall be released; *provided*, that no person shall be compelled to work longer than three months for any one offense.

29. Said corporation may contract with Knox County to be allowed to commit prisoners to the jail or work-house of said Knox County upon such terms as can be agreed upon.

30. To prepare and have published a digest or compilation of all the ordinances and resolutions of

a public nature in force within six months after the passage of this Act, and a like digest or compilation thereafter as often as may be needed.

31. No member of the Town Council shall become a bondsman for any agent, officer, or servant of the town, nor be interested directly or indirectly in any contract with the corporation; nor shall any officer of the Town Council vote on any proposition in which he has pecuniary interest.

32. To judge of the qualifications, elections, and returns of its own members; to prescribe rules for the determination of contested elections, and to determine how vacancies shall be filled, and to determine all questions in case of ties in any election, and to prescribe rules for the government of the Board of Mayor and Aldermen.

SEC. 6. *Be it further enacted*, The election for Mayor and Board of Aldermen of said town of North Knoxville shall be held by the Marshal of the corporation, aided by two clerks only, and three judges, all of whom shall be legal voters in said town, on the first Saturday in February of every two years after giving ten days' notice. The voters shall vote by ballot and under such rules and regulations as the Board of Mayor and Aldermen may prescribe as to the place, hours, etc., of voting by ordinance. The officers of the town thus chosen shall go into office on the second Saturday in February to hold office for two years, or until their successors are elected and qualified. The following shall be the qualifications for voting in town elections.

Elections, how
and by whom
held.

1. He shall be qualified to vote for State and county officers.

2. He shall have resided for six months next preceding the election within the town limits, or shall be a male, and a *bona fide* owner of real estate within the town limits of said town, as shown by assessment next preceding his offer to vote.

3. A voter's residence is hereby defined as the place at which he habitually sleeps.

SEC. 7. *Be it further enacted*, That the judges and clerks to hold the election shall be sworn and qualified according to the election laws of the State, and the said election shall be conducted, in all respects, as all the various State and county elections, by virtue of the election laws of the State. The judges and

clerks shall file the poll list with the Town Recorder, who shall preserve the same.

Duties of election officers.

SEC. 8. *Be it further enacted*, That the person receiving the highest number of votes respectively for Mayor and Aldermen shall be declared elected, and it shall be the duty of the officer holding said election to make out and deliver to the Recorder a certificate of their election within three days thereafter, which certificate shall be produced at the first meeting of the Board, and a minute thereof shall be made upon the records of the town; and if the Marshal shall fail to hold said election at the time herein mentioned it shall be his duty to hold it as soon thereafter as may be, after giving the requisite notice, and for failure to hold the election as prescribed in this Act he shall forfeit and pay to the said corporation the sum of fifty dollars, to be recovered by action of debt in the name of North Knoxville; and if there be no Marshal, or he be a candidate for any office, or incompetent for any reason, the election shall be held by a person to be appointed by the Mayor and Aldermen under the same regulations and penalties as hereinbefore prescribed.

Quorum; vacancies, how filled.

SEC 9. *Be it further enacted*, That a majority of the Town Council shall be a quorum to do business, and if the Mayor, or any of the Aldermen, or any officer, should die, resign, or move out of the town limits, the vacancy shall be supplied by the Council at its next meeting, or as soon thereafter as may be, and the person or persons so elected shall perform the same duties and be vested with the same powers and privileges as the person whose duties they are appointed to fill; and upon like condition the Mayor and Aldermen, and all officers, shall respectively take an oath before entering upon the duties of their office, to execute the same faithfully and impartially, and the Mayor and Aldermen shall also take an oath to support the Constitution of the United States and the Constitution of the State of Tennessee.

Term of office; must be bona fide citizen; duties of town officers.

SEC. 10. *Be it further enacted*, That the Mayor shall hold his office for two years and until his successor shall be elected and qualified. No person shall be elected Mayor who is not at the time of his election a citizen of the State of Tennessee, and has not been for six months, and is not then a *bona fide* citizen of and voter in said town. A vacancy in the office of

Mayor shall be filled by the Board of Aldermen. The Mayor may fill all vacancies occurring in any office except that of Aldermen, until the same be filled by the Town Council. It shall be the duty of the Mayor to preside at all meetings of the Council, to vote in the election of all officers of the town and in all cases where there is a tie vote. All ordinances or resolutions shall be approved and signed by the Mayor on or before the next meeting of the Council, and the Mayor shall have veto power, and if he should refuse to approve any ordinance or resolutions, he shall return same to the Council at its next meeting with his reasons in writing for his refusal, and said ordinance or resolution shall not be valid unless the Council, by a two-thirds vote, pass same notwithstanding the Mayor's veto; but if the Mayor does not veto same as provided, it shall be valid without his signature. The Mayor shall also take care that all the ordinances of the town are duly enforced, respected, and observed within the town limits; shall call special sessions of the Council when he may deem expedient, and to perform such other duties as the Town Council may, by ordinance or otherwise, impose upon him. A Recorder's Court is hereby established, and the Recorder is hereby vested with all the powers of a Justice of the Peace in criminal cases, and shall try all offenses against the peace and dignity of the town of North Knoxville; *provided, however*, that a change of venue may be had in any case when affidavit is made by the accused, and at least one disinterested party, that justice, in their opinion, will not be meted out by the Recorder, to any Aldermen of the town of North Knoxville who is hereby authorized to try and decide such case or cases. In the event an appeal is taken from any fine imposed by the Recorder or Alderman of said town for violation of any of its ordinances it shall be to the Circuit Court of Knoxville, Tenn.; the person so appealing shall give bond and security for the payment of said fine and cost, and to abide by and perform the judgment of the Court on appeal, and shall in no case be entitled to an appeal from said fine and cost on the pauper's oath. The Marshal shall acquaint himself thoroughly with the laws and ordinances of the town, and it shall be his duty to rigidly enforce the same, for which purpose police authority is hereby given him, which he may exercise

without warrant in hand; he shall collect all taxes levied by the Council, after the same have become delinquent, except privileges and special taxes, and shall perform such other duties as the Town Council may by ordinance impose upon him. He shall have power to execute State warrants, and other processes which constables generally have, within the town limits. The Marshal shall be chief of any police force organized in the corporation. The Recorder shall keep an accurate minute of all the proceedings of the Town Council, issue privilege license, and collect taxes on the same; he shall collect all taxes levied by the Town Council, and shall keep a proper ledger account of the same; he shall make out the town tax books of delinquent taxes, and turn the same over to the Marshal for collection, taking his receipt therefor, under the State laws regulating and governing the collection of delinquent taxes of State and County; the compensation for this service shall not exceed, annually, twenty dollars; he shall have supervision over and care of other town property, unless otherwise provided by ordinance. The Recorder may be required by ordinance to act as Treasurer, if Council so prescribe by ordinance or resolution. The Recorder shall perform such other duties as the Town Council may by ordinance impose upon him. The Town Treasurer shall receive from the Town Marshal and Recorder, receipt for, take care of, and keep a proper account of all funds of whatsoever nature that may come into his hands; for such purpose he shall keep such book or books as the Town Council may direct; he shall make out and present quarterly, or oftener, if required by Council, a full and explicit account and report of all finances under his control, and also a complete statement of the finances of the town, which report the Town Council may order published for the information of the town; before entering upon the discharge of his duties he shall give bond, with good securities, conditioned upon the faithful and honest discharge of all duties pertaining to his office, and similar in all respects to that of the Marshal and Recorder as hereinafter provided; he shall perform such other duties pertaining to his office as the Town Council may, by ordinance, provide. In the absence of the Recorder, the Mayor

may designate an Alderman who shall be vested with the same power as Recorder to try cases.

SEC. 11. *Be it further enacted*, That the Recorder and Marshal shall receive such fees as Justices of ^{Fees.} the Peace and Constables are authorized to receive for rendering judgments, service of process, etc., and shall receive such other fees for other services as the Council may allow them.

SEC. 12. *Be it further enacted*, That before entering upon the discharge of their duties the Recorder ^{Bond.} and Marshal shall enter into bond, with good securities, in double the supposed amount of money which may come into their hands (the amount of such bonds to be fixed by the Common Council), conditioned upon the faithful performance of their duties, and upon the diligent collection and faithful accounting for all moneys that shall, or ought to come into their hands for fines, forfeitures, and other moneys due said town, and which ought, by law, to be collected, and paid over by them; and the said Marshal shall be liable as herein mentioned for failing to collect money, to return process or pay over money collected by process issued by the Recorder or Alderman; said bonds shall be made payable to North Knoxville or its successor for the use and benefit of said town, said bonds shall be filed and carefully preserved among the records of said town. The Town Marshal and Recorder shall pay over to the Treasurer all sums of money by them received for the said town of North Knoxville. They shall both render quarterly, and as much oftener as the Town Council may require, full and complete statements of the finances under the control of each of them.

SEC. 13. *Be it further enacted*, That the duties of the other officers, servants, and agents of the town shall be such as the town may, by ordinance, prescribe.

SEC. 14. *Be it further enacted*, That it shall be the duty of the jailer of Knox County to receive and ^{Jailer, fees of.} keep in jail any person who may be committed to his charge for a breach of the by-laws or ordinances of said town, and all riotous and disorderly persons, committed to his charge by the Town Marshal or other officer of the town, for which he shall receive such fees as may be contracted by the Town Council

by and with his consent, provided the corporation and Knox County contract, as herein before provided.

Conveyances. SEC. 15. *Be it further enacted,* That in all cases where there have been conveyed by any person or persons, to the town or city of North Knoxville any roads, streets, alleys, lots, graveyards, or other property, the same shall inure to the use of said corporation, and vest in it forever, and in all cases where the town or city of North Knoxville, by Commissioners, or by the Mayor or Board of Aldermen, or other authorized officers, has sold and conveyed property, such sales and conveyances are made valid and good to the purchaser, and all possessions held under and by virtue of said sales and conveyances shall be effectual to carry the legal title and estate in the same to persons holding possession, and their heirs forever.

Taxes, how collected. SEC. 16. *Be it further enacted,* That when any tax or duty shall be levied or imposed by said corporation upon any real estate lying within said town of North Knoxville, and the owner or owners, occupier or occupiers thereof shall not pay the same, and the Town Marshal make return of that fact under oath, that the owner or owners have no personal property within the said town upon which to distrain for the said tax or duty, it shall be the duty of the Recorder, by and with the advice and consent of the Council, to take such steps for the collection of said taxes or duties as are or may be provided for by the laws of the State.

Failure or refusal to collect taxes. SEC. 17. *Be it further enacted,* That if the Recorder or Town Marshal of said town shall fail to collect, or after collecting, shall fail or refuse to pay over any moneys by either of them received for the use of said town, said Recorder or Marshal, as the case may be, shall be liable to be proceeded against by motion or suit at common law in the Circuit Court of Knox County or any other Court having jurisdiction of the person of such Recorder or Marshal as the case may be, and it shall be the duty of such Court to enter up judgment against such delinquent officer and his securities for the money so received, or that ought to have been collected, in the name of North Knoxville for the use of said corporation; *provided,* that if the proceedings be by motion, such officer shall have five days' notice thereof.

SEC. 18. *Be it further enacted*, That the Board of Mayor and Aldermen are forbidden from making any appropriation of money, or credit in the way of donation for festivities, pageants, excursions, or parades, nor shall said municipality be authorized to subscribe for stock in any railroad company or in any other corporation, or give or lend any money, aid, or credit to any person or corporation whatsoever, and said municipality is hereby prohibited from employing or appropriating the moneys, and taxes to be derived from sales of bonds, hereinafter authorized, or from taxes to be assessed and collected in any other manner than for strictly corporate purposes, and from issuing any bond, except as hereinafter provided.

Appropriation
of money for-
bidden.

SEC. 19. *Be it further enacted*, That from and after the passage of this act, it shall be lawful for North Knoxville to issue coupon bonds in the manner and under the restrictions hereinafter provided, not to exceed in the aggregate a sum which, taken with any debt of corporation then existing and not provided for by prior assessment of taxes, shall equal ten per cent. of the value of property subject to taxation by corporation, as shown by assessment next preceding the submission of the question of issuance of bonds to qualified voters, as herinafter required; *provided*, said bonds or their proceeds shall be used solely for improving streets, avenues, and alleys, providing school buildings, fixtures, and schools, parks, and other corporate purposes.

Lawful to issue
bonds.

SEC. 20. *Be it further enacted*, That all bonds so issued shall be of such denominations, bear such interest not exceeding six per cent. per annum, and be due at such time, not less than five nor more than thirty years from date, and be payable at such times and places as the Common Council may determine; *provided, however*, that all such bonds shall bear the same interest.

Denomination
of bonds.

SEC. 21. *Be it further enacted*, That the bonds thus provided for shall in no case be sold for less than par, and the coupons attached shall at maturity be receivable for all taxes and dues to the corporation except "The Sinking Fund Tax" provided for by the following section, and the school tax.

Sale of bonds.

SEC. 22. *Be it further enacted*, That before any bonds shall be issued under foregoing provisions, the corporation shall provide by ordinance for a Sinking

Sinking fund.

Fund, wherewith to retire the bonds by levying a special tax, same to be designated "The Sinking Fund Tax," the tax run with the bonds and to be collected annually, and used exclusively for the purpose levied, and to be sufficient with its accumulations, as near as may be estimated, to meet or retire the principal indebtedness by its maturity.

Sinking fund
commissioners.

SEC. 23. *Be it further enacted*, That said corporation, through its council, before issuing the bonds, shall elect three persons, citizens, as Sinking Fund Commissioners, who shall be so first elected that one of said Commissioners shall be elected for one year, one for two years, and one for three years, and every year thereafter one shall be elected to serve three years, so as to keep the number of Commissioners at three at all times.

Oath and bond.

SEC. 24. *Be it further enacted*, That said Commissioners shall take an oath faithfully to discharge their duties, and give bond under such penalty and conditions, and serve for such compensation as may be prescribed by ordinance.

Cancellation of
bonds.

SEC. 25. *Be it further enacted*, That such Commissioners shall receive Sinking Fund Taxes and invest same from time to time in the bonds of the corporation, if any are redeemable, or other securities to be approved by the Council, until bonds become redeemable, and settle their accounts as may be required by ordinance; *provided, however*, that when any bond is purchased or redeemed it shall be canceled or destroyed in presence of the Council, and record be kept of same.

Bonds, how
authorized.

SEC. 26. *Be it further enacted*, That the said bonds shall not be issued unless so authorized by a majority of the votes cast by qualified voters, voting at an election to be held by order of the Board of Mayor and Aldermen, at any time and as many times as the Mayor and Aldermen may deem necessary.

Time of elec-
tion.

SEC. 27. *Be it further enacted*, That the first election for Mayor and Aldermen under this Act shall be held by the Marshal of North Knoxville on the first Saturday of February, 1890.

Term of office

SEC. 28. *Be it further enacted*, That the Board of Mayor and Aldermen, being in office at passage of this Act, shall hold their offices until their successors are elected and qualified under this Act, and all laws and ordinances of said corporation now in force shall

remain in force under this Act until modified, repealed, or vacated.

SEC. 29. *Be it further enacted*, That no person shall ^{Eligibility.} be eligible to any office of the corporation who holds any office of profit or trust under the United States, the State of Tennessee, or Knox County.

SEC. 30. *Be it further enacted*, That this Act is declared to be a public law, and may be read in evidence ^{Act and ordinances evidence.} in all courts of law and equity, and all ordinances, resolutions, and proceedings of the Board of Mayor and Aldermen may be proved by the seal of the corporation, attested by the Recorder, and when printed and published by the authority of the Council the same shall be received as evidence in all courts and places without further proof when certified to by the Recorder.

SUBSEC. 1. *Be it further enacted*, That all laws or parts ^{Conflicting laws repealed.} of laws applying or relating to charter and powers of corporations of North Knoxville, in conflict with provisions of this Act or charter hereby granted, are hereby repealed.

SUBSEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 16, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 21, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 94.

AN ACT to create the office of County Judge for the County of Benton, and to prescribe his duties.

To elect county judge. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall be elected by the qualified voters of Benton County a person learned in the law, to be styled County Judge, who shall hold his office for eight years from the date of his commission.

The manner of holding election. SEC. 2. *Be it further enacted*, That the first election for County Judge shall be held at the same place and in the same manner, and by the same officer that other county elections are held, on the first Thursday in August, 1890, and every eight years thereafter, and under the same rules and regulations that are prescribed by law for other county elections.

Jurisdiction transferred. SEC. 3. *Be it further enacted*, That all jurisdiction and power of the present County Courts and administrators, executors, guardians, wards, trustees, wills, dowers, and petitions for sales, or divisions of land, be and the same are hereby given to the County Court, to be held by said County Judge, and all other questions over which the Chairman of the County Court now has jurisdiction, and all other duties now devolving upon the Chairman of said County Court are hereby transferred to said County Judge.

Compensation of county judge. SEC. 4. *Be it further enacted*, That the County Judge shall receive, as compensation for his services, the sum of three hundred dollars (\$300) per year, to be paid quarterly, from the county treasury upon the Judge's own warrant, countersigned by the County Court Clerk.

The present incumbent. SEC. 5. *Be it further enacted*, That nothing in this Act shall interfere with the holding of the office of Chairman of the County Court of said county by the present incumbent until the expiration of his term on the first Monday in January, 1890.

Governor to appoint. SEC. 6. *Be it further enacted*, That it shall be made the duty of the Governor to appoint a competent person to hold said office of County Judge of said county from the first Monday in January, 1890, to the first Thursday in August, 1890.

SEC. 7. *Be it further enacted*, That the Judge provided for in this Act be required to enter into bond with sufficient security, as the County Court at its quarterly term may require as financial agent of the county. Judge to give bond.

Passed March 16, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 20, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 95.

AN ACT to protect game and fish in Hardin County, and to provide for trial and punishment of the violators of this Act.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter it shall be unlawful for any person to take, catch or destroy fish in any of the waters of Horse Creek in Hardin County, Tennessee, by gigs, spike, trap, net, seine, or any other means whatever, except by angling with bait hook and line, or trot line for a period of four years from the passage of this Act. How to catch fish.

SEC. 2. *Be it further enacted*, That it shall be unlawful for any person to hunt, kill, capture, take or chase any deer, wild turkey, partridges, quail, grouse, pheasant, woodcock or snipe, or any song bird, or bird that feeds on insects that destroy fruit trees, in When unlawful to kill game.

said County of Hardin, between the fifteenth day of March and the fifteenth day of September in each and every year, or to destroy the nests or young of such birds.

Violation a
misdemeanor.

SEC. 3. *Be it further enacted*, That any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and when the first section of this Act is violated by the use of dynamite, giant powder, or any other poisonous or explosive substance, the violator, upon conviction, shall be fined not less than twenty-five dollars for each offense, and imprisoned in the county jail or work-house not less than thirty days, and for a violation of any of the other provisions of this Act, the punishment shall be a fine of not less than five dollars.

For bait, may
catch minnows.

SEC. 4. *Be it further enacted*, That nothing in this Act shall be construed as to prevent persons from catching minnows for bait in any manner in which they see proper.

SEC. 5. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 16, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 20, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 96.

AN ACT to provide more just and equitable laws for the assessment and collection of revenue for State, County, and Municipal purposes, and to repeal all laws now in force whereby revenue is collected from the assessment of real estate, personal property, privileges and polls.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all property, real, personal, and mixed, shall be assessed for taxation for State, county, and municipal purposes, except such as is declared exempt in the next section. Assessment of property.

SEC. 2. *Be it further enacted,* That the property herein enumerated, and none other, shall be exempt from *ad valorem* taxation: Exempt property.

1. All property belonging to the United States, to the State of Tennessee, to any county in the State, or in any incorporated city or town in the State that is used exclusively for public or municipal corporation purposes.

2. All property belonging to any religious, charitable, scientific, library, or educational institution, "including church parsonages of not exceeding \$5,000 in value, and used exclusively for the purpose for which such institution was created."

3. All property belonging to schools, colleges, academies, and other seminaries of learning of a public character, and all real estate worth not more than ten thousand dollars, owned by agricultural and mechanical associations and used by these exclusively for such purposes.

4. All cemeteries, places of burial used as such, and monuments of the dead.

5. All roads, streets, alleys, and promenades where condemned, dedicated, or thrown open for public travel or use free of charge.

6. All growing crops of whatever nature or kind, the direct product of the soil in the hands of the producer, or his immediate vendee, and manufactured articles from the products of this State in the hands of the manufacturers.

7. Personal property to the amount of one thousand dollars.

Assessments
made annually.

SEC. 3. *Be it further enacted*, That in order to provide revenue for State and county purposes, property, privileges, and polls shall be assessed annually as hereinafter provided.

Basis of assess-
ment.

SEC. 4. *Be it further enacted*, That the basis of all assessments shall be as follows, to wit:

1. To assess the property to the person or persons owning or claiming to own the same on the 10th day of January of the year for which the assessment is made if known, if not to the unknown owners.

2. To assess real estate at its cash value, to be ascertained as hereinafter provided.

3. To assess personal and mixed property at its cash valuation.

4. To assess the property, including property held by executors, administrators, trustees, and guardians, in the district or ward in which it lies, or is known to be at the time of assessment, but all stock in banks, or banking associations, shall be assessed in the place, town, ward, or district, in which such bank or banking associations are located, at its full market value, but in no instance shall the stock of any bank or banking association be assessed for less than its actual value, and net surplus if any. The property of street railroad companies, including their franchises, used within any town, city, or taxing district where the office of the company is located outside of such incorporated city or town, or a taxing district, but the main line of the road within the city shall be taxed in the city, town, or taxing district, as if the office were situated within the city limits.

5. The property, including franchises of all corporations and joint stock companies, that lie wholly or mainly within any incorporated city, taxing district, or town, or whose chief business is within any incorporated city, taxing district, or town, shall be assessed for taxation in such city, taxing district, or town, provided that all realty shall be taxed where situated.

Real estate.

SEC. 5. *Be it further enacted*, That in assessing real estate, the following shall be shown :

1. The description of the property.

2. The name of the owner or owners.

3. The value of the land or town lots, including improvements.

4. The value of mills, gins, manufactories, distilleries, breweries, founderies, and other buildings used for similar purposes.

SEC. 6. *Be it further enacted*, That the said assessors shall assess real estate in the manner following: they shall prepare a complete list of all taxable real estate in the respective district or ward from the schedule hereinafter required, giving the name of each owner in alphabetical order, and setting out the number of acres of each tract, and showing the number of acres of cleared and of wood land in each tract, and the assessed value thereof giving (if the same can be done) the surveyor's district, range, township, and section, civil district, and if this cannot be done, then such mode of description shall be adopted as will identify the property and its location by giving the lands by which the tract is bounded, and if the real estate be in a town the present number of the lot, and block, and number of front feet, and the depth thereof, and the assessed value thereof.

List of taxable property.

SEC. 7. *Be it further enacted*, That personal property shall be assessed under the following heads:

Assessment of personal property.

1. The actual stock in each bank, or banking, insurance, or other stock company or corporation invested in business.

2. Stocks of merchandise, wares, goods, and chattels, kept on bond or in the store for sale, trade, or traffic, but the value of the same shall not be included in the tax values, and the assessor is hereby required to furnish a list of same, showing the owners and value of said stock, to the County Court Clerk, which shall be recorded in a book kept for that purpose.

3. Merchandise, wares, goods, and chattels, sold at auction or on commission.

4. Notes, due bills, negotiable paper and accounts upon solvent persons, or parties believed to be solvent, and all other assets, including cash on hand or on deposit, or invested in any manner in this State or elsewhere.

5. All bonds, stocks, and other like securities other than such as are exempt from taxation by the laws of the United States.

6. Stallions, mares, geldings, jacks, jennets, mules, cattle, sheep, and hogs, and all blooded stock to be assessed at actual cash value.

7. Watches, plate, jewelry, pianos, and household and kitchen furniture.

8. Carriages, buggies, and all other wheeled vehicles of pleasure or profit.

9. Machinery, engines, presses, looms, steamboats, ferryboats, and tools and implements of all pursuits and industry for gain or profit.

10. All other personal property, whether belonging to individuals, corporations, or firms.

11. The amount of income derived from United States bonds and all other stocks and bonds not taxed *ad valorem*.

Shares of stock
assessed as per-
sonal property.

SEC. 8. *Be it further enacted*, That no tax shall hereafter be assessed upon the capital of any bank or banking association organized under the authority of the State, or of the United States, but the stockholders in such bank or banking association shall be assessed and taxed upon the market value of their shares of stock therein; said shares of stock shall be included in the valuation of personal property of such stockholder in the assessment of the State, county, and municipal taxes, at the place, town, ward, or district where such bank or banking association is located (except otherwise provided by law), whether said stockholder resides in said place, town, ward, or district or not, and all banks and banking associations shall, in addition, be liable for taxes on any property, funds, or assets owned by them not included in the foregoing provisions of this section.

Bank president
to make oath.

SEC. 9. *Be it further enacted*, That the President or business manager of any bank or banking association doing business under the laws of this State, is hereby required to declare, upon oath, before the Assessor, the amount of capital invested in such business, and each one hundred dollars of such capital, for the purpose of this Act and for the purpose of taxation, shall be held and regarded as one individual share in such bank or banking association, and such shares are hereby declared to be personal property. If such President or business manager have partners, he shall declare, upon oath, before the Assessor, the number of shares held or owned by each of them in such business, ascertained as above provided, and the shares so held by any partner shall be included in the valuation of his taxable property in the assessment of all taxes levied in the city, town, ward, or civil district

where such business is located, except herein otherwise provided; and said President or business manager shall pay the same and make the amount so paid a charge in his account with said partners; and if said President or business manager have no partners he shall be held to be sole owner of all the shares in said business, and the same shall be included in the valuation of his personal property in the assessment of all taxes levied in city, town, ward, or district where said business is located, except herein otherwise provided.

SEC. 10. *Be it further enacted*, That there shall be kept, at all times, in the office where the business of such bank or banking association, organized under the authority of this State, or of the United States, shall be transacted, a full and correct list of the names and residences of all the stockholders therein, and the number of shares held by each, and such list shall be subject to the inspection of the officers authorized to assess taxes during the business hours of each day on which business may be legally transacted.

SEC. 11. *Be it further enacted*, That when the owner of stock in any bank or banking association organized under the laws of this State or of the United States shall not reside in the same county where the bank or corporation is located, or is a non-resident of this State, the Revenue Collector for the State, county, or municipality shall respectfully have the power to collect the tax assessed by this Act by instituting attachment proceedings, and said tax shall be and remain a lien on the stocks until the payment of the same.

SEC. 12. *Be it further enacted*, That for the purpose of collecting such taxes, and in addition to any other laws of this State relative to the imposition and collection of taxes, it shall be the duty of the President or managing officer of every such bank doing business in this State, to retain so much of any dividend belonging to such stockholder as may be necessary to pay any and all taxes assessed in pursuance of this Act, and to pay the same to the Collector, unless said taxes shall be otherwise paid.

SEC. 13. *Be it further enacted*, That all persons, co-partnerships, and joint stock companies engaged in the manufacture of any goods, wares, merchandise, or other articles of value, shall pay an *ad valorem* tax

upon the value of the property, real, personal, and mixed, which is used and held for the purpose of manufacturing, preparing, and completing the goods, wares, merchandise, and articles in the manufacture of which the parties aforesaid shall be engaged. And every corporation organized under the laws of this State, of any other State of the United States, or of any foreign State (except banks and banking associations, and except the *quasi* public corporations mentioned in the next section of this Act) engaged in any such manufacturing business, or in any other business, shall pay an *ad valorem* tax upon the full value of its capital stock (including its franchises, easements, and incorporeal rights and corporate property as a part of such capital stock), which shall in no case be held or deemed to be less than the actual value of all its shares of stock, together with the actual value of its bonded indebtedness; *provided*, that the shares of stock in any such corporation shall not be assessed for taxation, but their value shall be looked to in arriving at the value of its said capital stock (including its franchises, easements, and incorporeal rights and corporate property as a part of such capital stock). For the purpose of assessing any manufactory, the Assessor shall visit and carefully inspect the manufactory itself, with all rights and privileges, and shall cause the owner, operator, business partner, President, or other chief official operating the same, to answer, under oath and in writing, the following questions:

1. Is this manufactory owned and operated by a single person, a co-partnership, a joint stock company, or a corporation?

2. How much money has been invested in real estate, buildings, machinery, engines, water power, or other powers, tramways, and privileges belonging to the manufactory? What is their present value?

3. Are there any stocks, bonds, or interest-bearing mortgage debts outstanding against the manufactory? If stocks, state how much? If debts secured by mortgage, state their amount, and the rate of interest, and whether the interest is paid or in default, and if in default, how long? What is the stock worth in the market? What dividends have been paid within the last two years? What surplus is on hand, if any? What is, approximately, the gross amount of the articles annually manufactured

or prepared by this manufactory? What is the approximate amount and value of manufactured goods, and material for manufacture on hand? After informing himself fully as to the value of such manufactory, the assessor shall assess the same for taxation, and also the value of manufactured goods, and material for manufacture on hand, as required in the first part of this section, and return the said affidavit to the County Court Clerk for preservation

SEC. 14. *Be it further enacted*, That every *quasi* public corporation doing business, and being operated in this State, such as gas-works, water-works, electric lights, street railroads, dummy railroads, and all other corporations public in their character, and which possess rights, franchises, and privileges, except railroads, which are to be assessed by the State Board of Railroad Assessors, shall pay an *ad valorem* tax upon the full value of its capital stock (including its franchises, easements, and incorporeal rights, and corporate property, as a part of such capital stock), which shall in no case be held or deemed to be less than the actual value of all its shares of stock, together with the actual value of its bonded indebtedness; *provided*, that the shares of stock of any such corporation shall not be assessed for taxation, but their value shall be looked to in arriving at the value of its said capital stock (including its franchises, easements, and incorporate rights, and corporate property as a part of such capital stock). But in assessing the capital stock as provided in this section, a reduction shall be given for the value of its real estate assessed in wards, districts, or counties other than the districts or wards, or counties in which such corporations are located.

Quasi corporations to pay ad valorem tax.

2. For the purpose of such assessment the assessor shall inspect all property, real, personal, and mixed, owned or used by such corporation in its business, and shall cause the President or other chief officer operating the same to answer, under oath and in writing, the following questions:

1. What amount of money has been invested in real estate, buildings, machinery, engines, rights of way, tracks, motive power, rolling stock, and other property and equipments used in operating the business of the corporation?

2. What is the amount of the bonded or mortgage

debt of the corporation, if any? What the rate of interest? Is the interest paid or in default, and if in default, how long?

3. What amount of stock has been issued, and what can the stock be sold for in the market?

4. What dividends have been paid on the stock within the last two years? And the assessor may examine, under oath, any other person or persons touching the amount and value of the business done by such corporation. And after informing himself fully upon the subject he shall assess the corporation for taxation as required in the first part of this section and return the said affidavit to the County Court Clerk for preservation.

Savings banks.

SEC. 15. *Be it further enacted*, That the privileges and franchises granted by the Legislature of this State to saving banks, or institutions for savings, are hereby declared to be personal property and liable to taxation as such in the town, ward, or district where they are located, to an amount not exceeding the gross amount of their surplus earned and in possession of said banks or institutions, and the officers of such institution or banks shall be examined on oath by assessors as to the amount of such surplus, and the property of such banks and institutions shall be liable to seizure and sale for the payment of all taxes upon them for said privileges and franchises.

Does not release from taxation.

SEC. 16. *Be it further enacted*, That this Act shall not be so construed, and shall not so operate, as to exonerate or release from taxation any company or corporation whose charter exempts stock and shares thereof from taxation, but it is hereby enacted that in all cases where such stock is exempted, such company or corporation shall be assessed in such way as may be lawful; and in all cases in which, by the terms or legal effect of the charter, the shares of stock in any corporation are wholly or partially exempt from taxation, or in which a rate of taxation on the shares of stock is fixed, and prescribed and declared to be in lieu of all other taxes, taxes for State, county, and municipal purposes shall be assessed and levied at a rate uniform with the rate levied upon other taxable property, upon the capital stock of said corporation, the value of which capital stock shall be fixed and returned by the assessor as being equal to the aggregate market value of all the

shares of stock in said corporation, including the net surplus.

SEC. 17. *Be it further enacted*, That stocks of merchandise, wares, goods, and chattels sold at auction on commission shall be assessed for taxation, and the following is declared to be the method by which the amount to be returned or assessed shall be determined, viz.: Where any person, company, corporation, or firm shall have sold goods, wares, merchandise, or chattels at auction, or on commission, whether in the regular business of selling at auction or on commission, or shall have made such sales in connection with any other business, the aggregate amount of said auction or commission sales for the period, engaged in business, not exceeding twelve months, shall be ascertained, and one-third of said amount of sales shall be returned for taxation.

To determine what is commission.

SEC. 18. *Be it further enacted*, That merchants shall pay an *ad valorem* tax upon the capital invested in their business equal to that levied on taxable property, and the term "merchants," as used in this Act, includes all persons, copartnerships, or corporations engaged in trading or dealing in any kind of goods, wares, and merchandise, either on land, or in steamboat, wharf boat, or other craft stationed or plying in the waters of this State, and confectioners, and whether such goods, wares and merchandise be kept on hand for sale, or the same be purchased and delivered for profit, as ordered. But nothing in this Act contained shall in any way effect the collection of privilege taxes upon the vocations declared by this Act to be privileges.

Ad valorem tax on capital invested.

SEC. 19. *Be it further enacted*, That no merchant, person, firm, company, copartnership, or corporation shall commence and continue a business declared to be a privilege under this Act in any county of this State without obtaining license from the Clerk of such county, in accordance with the provisions of this Act; and every person, or individual, or member of any copartnership or corporation so offending, shall be subject to prosecution for each day's violation of this law, and on conviction shall be fined not less than one hundred dollars for each offense. Said license is hereby required to show all the State and county revenue paid, the name or names of the party, or firm, or corporation, or company, and is further required

Must obtain license; violation of this Act a misdemeanor.

to be registered in the office of the Clerk of the Circuit Court in a book to be kept by him for that purpose, showing in full the date of issuance, name or names of the party or parties to whom issued, the character of business, and the amount of State and county tax paid, and to be countersigned by the Clerk of the Circuit Court; and for registering and countersigning said license, and for making a quarterly report of same to the State Comptroller and Chairman of the County Court, to be accompanied with his revenue reports, he shall receive the sum of fifty cents for each license, to be paid by the party or parties to whom said license is issued, and said license shall not be considered valid, nor shall it be delivered by the County Court Clerk until the provisions of this Act have been complied with, and each violation of the provisions of this Act on the part of the County or Circuit Clerks is hereby declared a misdemeanor, and upon conviction the offender shall be fined not less than fifty nor more than one hundred dollars.

Merchant to
give bond;
clerk's fee.

SEC. 20. *Be it further enacted*, That every merchant, firm, company, or corporation applying for license shall, before receiving the same, execute a bond to the State with good security, to be approved by the Clerk of the County Court, in the sum of one thousand dollars, conditioned that such merchant, firm, company, or corporation will render to the Clerk issuing the license, at the end of twelve months from the date of the bond (or if the merchant ceases to do business before the expiration of twelve months, then as soon as he ceases to do business), a true statement, under the oath prescribed by the Act, of the amount of capital invested in such business during said twelve months, or the period in which he was engaged in such business, if he ceases to do business before the end of twelve months, and will pay to the Clerk the tax thereon. For taking the bonds and issuing the license, the Clerk shall be entitled to one dollar, to be paid at the time of issuance.

License to be
renewed annually.

SEC. 21. *Be it further enacted*, That any merchant, firm, company, or corporation continuing in business shall renew his license annually, and no license shall authorize merchandizing out of the county where issued, nor for a longer period than one year.

SEC. 22. *Be it further enacted,* That at the expiration of twelve months from the date of his bond, or sooner, as provided in the eighteenth section hereof, each merchant, firm, company, or corporation, shall file with the County Court Clerk, by whom the license was issued, a statement under oath, showing:

To file statement.

1. The amount of capital invested in his business to be assessed for taxation, but under no circumstances shall the amount to be assessed be less than the value of the average amount of stock on hand during the preceding year, to be ascertained by adding together the value of the highest amount of stock on hand at any time during the year, to the value of the lowest amount of stock on hand at any time during the year to the value of the lowest amount of stock on hand at any other time during the year, and dividing the same by two. Said statement to be sworn to by such merchant, or the head of such firm, company, or corporation.

2. All capital employed during the preceding twelve months in any manner of trading in which there is no stock of goods, wares, and merchandise kept on hand for sale, and the aggregate capital so reported shall be deemed the taxable capital of such merchant, upon which he shall pay to the Clerk the same tax as levied upon real estate and other property for the State and county purposes, and the report herein required shall be sworn to by such merchant or the head of such copartnership or mercantile firm, company, or corporation. The word "capital," as used in this and the foregoing sections, shall be construed so as to mean the average amount of stock on hand during the year in which it is offered for sale, the amount to be ascertained as provided in the first subsection hereof. But if the average amount of stock on hand is less than the capital stock employed by said merchant, company, firm, or corporation, he shall pay tax on the capital stock. If the statement herein required to be made under oath to the Clerk of the County Court be not considered just and correct by the Clerk or the attorney appointed by the Comptroller under section 65 of this Act, it shall be the duty of the said Clerk, of his own motion, or under direction of the attorney before mentioned, to issue citation to the person or firm, company or corporation making such statement, com-

manding such person or firm, or company, or corporation, to appear before said Clerk within five days from the date of the issuance of citation to show cause why such statement shall not be revised and corrected, and the said Clerk shall be empowered to issue subpoenas for witnesses to appear before him and testify under oath, to be administered by said Clerk or his lawful deputy, touching the correctness or incorrectness of such statement; and it shall be the duty of said Clerk, after a full investigation, to correct and audit said statement.

3. That no person, firm, company, co-partnership, or corporation exercising a taxable business, when a stock of goods, wares, and merchandise is carried, shall sell or transfer such business as an entirety until all State and county taxes due thereon shall have first been paid. And in case any person, firm, company, co-partnership or corporation exercising such business shall make an assignment for the benefit of creditors, it shall be the duty of the assignee to first pay in full, out of the first assets that come into his hands, all taxes that may be due upon such business, in preference to all other claims, and the State shall have a prior lien on same over all creditors.

Principal and
surety to ap-
pear before
county judge.

SEC. 23. *Be it further enacted*, That the County Court Clerks of this State be and they are hereby required to turn over to the attorney appointed by the Comptroller under Section 65 of this Act all privilege and license bonds due and unpaid, within thirty days after such bonds become due and payable, taking duplicate receipts for the same, specifying the amount due thereon as nearly as can be ascertained, one of which receipts shall be forwarded to the Comptroller of the State, and the other spread on record in the County Court, whereupon the attorney appointed by the Comptroller, under Section 65 of this Act aforesaid, shall forthwith give five days' notice to the principal and security on such bond to appear before the Chairman or Judge of the County Court in which said bond is due, and show cause, if they have any, why judgment should not be rendered against them for the amount of revenue due on such bond, which judgment shall in no case be less than the amount of the specific or privilege tax fixed by law, and by the County Court, with six per cent. interest, and twelve per cent. damages, and the

costs added thereto from the time the bond was payable and due, and jurisdiction is hereby conferred on the County Courts of this State to try and determine such cases, to render judgment, issue executions, and do all things necessary to enforce the collection of this revenue, and necessary to the enforcement of this Act, and the notice so given may be returnable to any Monday of said County Court, to the Judge or Chairman thereof; *provided*, five days' notice is given, when the said Chairman shall try the matter, and upon the failure of the principal or security to appear, the attorney appointed by the Comptroller, under Section 65 of this Act, shall move for judgment, and the Chairman or Judge shall render, and have entered, a judgment for the amount of said bond as aforesaid, with costs. The attorney appointed by the Comptroller under Section 65 of this Act shall be allowed a fee of five dollars, and the clerk the usual fees for such services as in the Circuit Courts of this State. The State and county shall in no event pay any costs or attorney's fees in these proceedings, but the same shall be taxed against delinquents.

SEC. 24. *Be it further enacted*, That the Clerks of the County Courts of the several counties of this State shall collect all taxes on merchants, company, firm, or corporation and priveleges as now provided by law, and be subject to all the fines and penalties for failure to pay such taxes over to the Comptroller that are provided for in this Act in the case of Trustees.

County clerks
to collect mer-
chants' tax.

SEC. 25. *Be it further enacted*, That all the property described in Articles 5, 6, 7, 8, 9, 10, and 11, of Section 7 of this Act, shall be assessed for taxation according to its actual value; *provided*, that in assessing steamboats and ferryboats navigating streams within or bordering on this State, the same shall only be assessed to the extent of the interests therein of any person, company, corporation, or firm residing or doing business in this State.

SEC. 26. *Be it further enacted*, That should it, at any time after the assessments have been made, come to the knowledge of the Chairman or Judge of the County Court, the Clerk of the County Court, the County Trustee, Sheriff, or other officer or person of any county in this State, that any person, company, firm, or corporation in said county has not been

Inadequate
assessment.

assessed as contemplated by the provisions of this Act, or has been assessed, or has paid tax of an inadequate amount, it shall be the duty of said Chairman, or Judge, Clerk, Trustee, Sheriff, or other officer or person, on motion of the attorney appointed by the Comptroller under Section 65 of this Act, to cite said person, company, firm, or corporation, their agent, attorney, or representative, to appear before the Trustee or County Court Clerk, in case of merchants taxes, for the purpose of being assessed according to law, and said Trustee or County Court Clerk, in case of merchants' taxes, is hereby authorized and empowered to make the proper assessment against such person, firm, or corporation, and should it appear that said person, company, firm, or corporation did, in any manner, connive at or purposely evade said assessments, or did knowingly permit an inadequate assessment to be made, said Trustee or County Court Clerk, in case of merchants' taxes, shall correct said assessment, and shall add fifty per cent. to the amount of said assessment, and cause the same to be entered upon the tax books for collection, and the attorney appointed by the Comptroller, under Section 65 of this Act, shall be allowed as compensation for his services ten per cent. of the taxes or penalties realized from said increased assessment, to be retained out of the taxes when collected.

Taxes a lien.

SEC. 27. *Be it further enacted*, That the assessed taxes on all real estate, including the taxes on polls, and all damages and costs accruing thereon, shall be and remain a lien upon such real estate from the 10th of January of each and every year.

Election of tax
assessor; term
of office.

SEC. 28. *Be it further enacted*, That the Tax Assessor elected at the August election 1888, under Chapter 2 of the Acts of 1887, passed March 25, 1887, and approved March 26, 1887, shall hold his office until the August election 1892, and at the regular August election for the year 1892, and every four years thereafter, there shall be one Tax Assessor elected for each county by the qualified voters thereof, who shall hold their respective offices for the term of four years from the first day of January of the year following said election, and no Assessor shall succeed himself in office.

Bond and oath
of assessor.

SEC. 29. *Be it further enacted*, That each Assessor shall, before or on the first day of January next suc-

ceeding his election, enter into a bond with two or more good and sufficient securities, payable to the State of Tennessee, in the sum of five thousand dollars, to be approved by the County Judge or Chairman of the County Court, conditioned that he shall faithfully and honestly discharge the duties of his office, and shall take the following oath of office before the Judge or Chairman of the County Court, and said oath shall be filed in office of County Court Clerk:

“I, —, Assessor of property and polls of the county of —, State of Tennessee, do solemnly swear that I will assess all property, real and personal, at its actual cash value, and all polls in said county of —, at the time I may make said assessments, to the best of my knowledge and ability, without fear, favor, or affection, and that I will faithfully discharge my duty as Assessor according to the law, to the best of my knowledge and belief, and that I will administer the oath to all property owners as the law requires, when practicable, so help me God.”

“Sworn to and subscribed before me on this, the — of — —.”

SEC. 30. *Be it further enacted*, That the Assessor in each county may appoint one or more deputies, not exceeding five, with the same powers, duties, and liabilities as the Assessor, so far as it pertains to the assessment of property and polls, and who shall take the same oath as required of the Assessor, and the compensation of said deputies shall be paid as hereinafter provided. Deputies.

SEC. 31. *Be it further enacted*, That it shall be the duty of the Assessor, by himself or through his deputies, to go on the premises and personally see each tax payer in his county, or his attorney, and take the sworn statement of each tax payer, in writing, as to his property, real, personal, and poll, without regard to any exemptions, and if any tax payer is a non-resident of the county, or if the owner cannot be found, or seen in person by the Assessor, the Assessor shall, in the best way possible, proceed to assess said property, and for that purpose shall administer an oath to any freeholder living in the civil district or ward where such property is situated, or other person, whose duty it shall be to answer, under oath, such questions as may be propounded by the Assessor concerning its value, and any and all persons swearing Personal inspection.

falsely and corruptly shall be guilty of perjury, and any person refusing to take the oath or answer such questions as may be propounded by the Assessor shall be guilty of a misdemeanor; and all such statements of the property holder or witness shall be in writing, and shall be filed with the County Court Clerk by the time or before the assessor makes his final report.

To assess in rotation.

SEC. 32. *Be it further enacted*, That the Assessor shall assess the property in each district and ward separately, and to this end he shall proceed to assess the property in a district or ward, commencing at some corner or outside point of the district or ward, and assess it in rotation, as it joins or lies contiguous to the property first assessed, or about to be assessed, and shall proceed in the regular manner until he shall have made the circuit of the district or ward, and he shall enter each assessment in suitable books, (by districts and wards), to be furnished by the County Court.

Blanks for listing; how furnished.

SEC. 33. *Be it further enacted*, That the Assessor shall furnish every person, company, firm, or corporation in each ward and district, proper blanks for the purpose of listing and assessing all property and polls; and it is hereby made the duty of the Comptroller of the Treasury to furnish the Clerks of the County Courts said blanks, to be distributed by the Clerk to the Assessor, which shall contain among others necessary to ascertain all taxable property, the following questions, and the Assessor shall require all parties liable either for a property or poll tax to fill out separate lists.

1. How many acres of land do you own? In what civil district, range, or surveyor's district is it located, and by whose land is it bounded on the east, south, west, and north?

2. How many town lots do you own? What is their number, and in what town located? What is the number of front feet and depth of the lot?

3. What is your age? Is there any reason why you are not liable for poll tax?

4. What does your personal property consist in, and where situated? Have you conveyed, converted, or disposed of any property, personal, real, or mixed, in any manner, or created any debt for the purpose

of evading the provisions of law or affecting the value and amount of your taxable estate?

5. Are you engaged in any banking business, or are you a shareholder or bondholder, or engaged in or the officer of any incorporated bank or other corporation? If so, state the number of shares and bonds held by you and other shareholders or bondholders in said business. And the Assessor shall require oath to be made to the correctness of the items thereof and the questions thereon, which oath shall be administered by the Assessor (who is hereby authorized to administer same) or some Justice of the Peace, and entered thereon beneath said list and signed and sworn to by the party listing. And nothing in this Act shall be so construed as requiring the property holder to make oath as to the value of any of his property, but the Assessor is hereby required to assess and fix the value of all property as herein required, and report all persons violating this Act to the Grand Jury.

SEC. 34. *Be it further enacted*, That all species of Cash value. property shall be assessed at its cash value; that if real property shall be arrived at by the Assessor by estimating the value of real property on a sale at one-third cash, and balance in equal payments of one and two years, deducting ten per cent. for cash.

SEC. 35. *Be it further enacted*, That persons acting Executors, etc. as executors, administrators, guardians, agents, or attorneys, clerks of any court, or in any fiduciary capacity whatever, shall make a return of the property, moneys, credits, and effects held or controlled by them in either of said capacities separate from their individual returns, and the same shall be listed separately for taxation; *provided*, that every such trust estate shall be entitled to the same exemptions as if owned by a single tax payer.

SEC. 36. *Be it further enacted*, That in all cases Refusal to return schedule. where any person, or persons acting in a fiduciary capacity, company, firm, or corporation, or agent or attorney, shall fail, neglect, or refuse to return to the Assessor the schedule of property for taxation, the Assessor shall report the facts to the Chairman or Judge of the County Court, who shall cite the person, agent, or attorney, firm, officer, officers of the company or corporation before him, and shall demand of them to answer the questions heretofore

provided in this Act, under oath, and shall have power to punish for contempt for failure to answer. And if the refusal to answer is persisted in the Judge or Chairman shall make such an assessment in such case from the best information he can obtain, and such assessment shall be *prima facie* evidence as to the value of the property and to the ownership of the property; and the costs accruing by proceedings under this section shall be paid by and be a charge against the tax payer respectively and upon the property.

Return of assessment lists;
oath.

SEC. 37. *Be it further enacted*, That the Assessor shall make a report to the County Court Clerk of said assessment lists by the first Monday of June of each year, and turn over his books to said Clerk, which shall be filed by him and carefully preserved to be acted upon by the Board of Equalization, to be appointed as hereinafter provided; and said books and lists are to be preserved as a part of the official records of the office of said Clerk, accompanied by the following oath, made before the Judge or Chairman of the County Court, and said oath shall be filed in the office of County Court Clerk.

“I, — Assessor of the county of —, State of Tennessee, do solemnly swear (or affirm) that I have set down in the foregoing assessment all the property, real and personal, and all the polls in said county of —, as far as ascertainable, to the true owners thereof, and that I have required lists to be filled out and filed by all property owners, agents, and attorneys, and lists of all parties liable for a poll tax, as heretofore provided, and that I have estimated the value thereof at its actual cash value as prescribed by law at the time I made said assessment, to the best of my knowledge and ability, without fear, favor, or affection, and that I have faithfully discharged my duty as Assessor, according to law, to the best of my knowledge and belief, so help me God. Sworn to and subscribed before me, on this — day of —.”

No second term.

SEC. 38. *Be it further enacted*, That the Tax Assessor elected under the Acts of 1887, Chapter 2, approved March 26, 1887, and those who may be elected under the provisions of this Act, shall be ineligible for a second term.

SEC. 39. *Be it further enacted*, That the present ^{Compensation} Assessor, and the Assessors elected under this Act ^{of assessors.} shall be paid by the county, and receive as compensation upon the value of the property in his county a per cent., as follows: in cities of forty thousand inhabitants or over, one-twelfth of one mill; in cities or towns from five thousand to forty thousand inhabitants, one-tenth of one mill; and in towns of less than five thousand inhabitants, and in all country districts, one-seventh of one mill on the value of property determined on by the Board of Equalization as hereinafter provided; *provided*, that in all counties of less than eighteen thousand and more than twelve thousand population, they shall receive one-fifth of a mill, and in all counties of less than twelve thousand population, one-fourth of a mill, and each Assessor shall receive five cents on each poll properly assessed, and he is hereby required to pay his deputies at the same rate as herein provided for payment of said Assessor, and shall receive no compensation until the requirements of this Act have been complied with.

SEC. 40. *Be it further enacted*, That should a vacancy occur in the office of Assessor, said vacancy shall be ^{Vacancies;} filled by the Quarterly Court, such person to hold ^{how filled.} office until the next regular August election, when an Assessor shall be elected to fill out the unexpired term.

SEC. 41. *Be it further enacted*, That each and every Assessor who, in the discharge of his duties as such Assessor, shall in any case refuse or neglect to perform any duty enjoined upon him by law, shall knowingly or willfully evade or violate any of his duties as Assessor, whereby any proceedings required by law to be performed shall be prevented or hindered, or whereby any property or capital required to be listed for taxation by this Act shall not be assessed, or shall be assessed at less than its true value on the basis prescribed by this Act, shall for every such neglect, refusal, willful evasion, or violation, or for any other breach of duty, be deemed guilty of a misdemeanor, and, upon conviction thereof, shall forfeit and pay to the State not less than fifty nor more than five hundred dollars, at the discretion of the Court and jury; and in addition shall be a ground for suit on his official bond, and the grand juries shall have inquisitorial powers in all cases of violation of this

Act, and the Judges shall especially call attention of grand juries to their duties hereunder.

Board of equal-
ization.

SEC. 42. *Be it further enacted*, That the Judge or Chairman of the County Court and four freeholders, not members of the County Court, nor holding any other office, county, State, or Federal, who shall be elected by the Quarterly Court of each county, at its April term each year, shall constitute a Board of Equalization to examine said assessment lists as returned by the Assessor to the County Court Clerk.

Time of meet-
ing of board.

SEC. 43. *Be it further enacted*, That in counties having a population of 20,000 inhabitants according to the Federal Census of 1880, said Board of Equalization shall meet on the first Monday and sit till the third Monday in June; in counties of less than 20,000 population, according to the Federal Census of 1880, shall meet on second Monday in June and sit till the third Monday in June, and carefully examine and compare, and equalize said assessments, and shall eliminate from the lists thereof all property exempt under this Act, and they are hereby empowered to hear and adjust complaints from any party feeling aggrieved on account of excessive assessments, when, in their judgment, justice demands it, and to correct any and all errors arising from clerical mistakes or otherwise, and the corrections made, if any, shall be entered upon the assessment books, without in any way altering the assessment lists, and if the value of any tax payer's property shall be raised by said Board of Equalization, notice shall be given to such tax payer, his agent or his attorney, if practicable, and shall be served by the Sheriff or Constable, if to be found, for which he shall receive twenty-five cents, to be paid by the county, and such tax payer may bring proof and show cause, if any he has, why said increased valuation of said property shall not stand, at a second meeting of said Board, which shall be held from the fourth Monday in June till the first Monday in July, and if the decision of said Board at its said second session shall be adverse to said tax payer, he may appeal to the July term of the County Court, and the action of said Court shall be final.

Taxes due not
released.

SEC. 44. *Be it further enacted*, That nothing in this Act shall be so construed as to release any taxes now due under existing law.

SEC. 45. *Be it further enacted*, That said Board of Equalization, except the Chairman or Judge, shall each be paid the sum of two dollars and fifty cents per day for each day they are actually engaged in the discharge of their respective duties, to be paid by the county, and they shall receive no pay until all their duties have been discharged. ^{Compensation of board.}

SEC. 46. *Be it further enacted*, That each member of said Board of Equalization, before entering upon the duties of their office, shall take and subscribe to the following oath before the Clerk of the County Court, which shall be filed in said office: "State of Tennessee, ——— County, I, ———, member of the Board of Equalization of Assessments in said county, do hereby solemnly swear that I will, without fear, favor, or affection, perform the duties required of me by law as a member of such Board, and that I will carefully examine, compare, and equalize all assessment lists as returned by the assessor and his deputies, in strict compliance with the requirements of this Act as to value, and that I will hear all complaints made before said Board, by parties feeling aggrieved, during the sitting of the same, and act impartially in passing thereon to the best of my knowledge and ability, so help me God. Sworn to before me this ——— day of ———, 18—." ^{Oath.}

SEC. 47. *Be it further enacted*, That said Board of Equalization shall make a return of the assessment lists and books, together with all charges made by said Board, to the Clerk of the County Court, on or before this first Monday in July of the year for which said assessment is made, and then respectively their duties shall cease and determine. ^{To return books.}

SEC. 48. *Be it further enacted*, That should the property in any district or ward, or any part thereof, escape assessment, or fail in any manner to be assessed, the Trustee is hereby required to assess the same, and report the amount of the taxes thereon collected to the County Court as "picked up" taxes at the same time that he reports lists of errors, etc., and the Clerk of said Court is hereby required to certify a copy of said report to the officers with whom the Trustee, by law, is required to settle, and the Trustee shall account for same in making final settlements of his various accounts. ^{"Picked up" taxes.}

To make out by
districts; trustee
to give
bond.

SEC. 49. *Be it further enacted*, That the Clerk of the County Court shall make out from the assessment books in his possession and deliver to the Trustee the tax book on or before the first Monday of October each and every year respectively; *provided*, the Trustee shall first have entered into a bond in double the amount of taxes as required by law. Said tax books shall be made out by districts, and shall be ruled in suitable and appropriate columns, and shall show the names of owners in alphabetical order, the number of the lot and blocks, number of acres, description of the property, the value of each lot, tract, or parcel of land, the valuation of personal property under the appropriate heads or items called for by this Act, and the total valuation of real and personal property against each tax payer. On this valuation the State, county, and special taxes shall be extended in appropriate columns, separately, according to and at the rates levied by the proper authorities, and the column added showing the total of all taxes levied to be collected from each tax payer in said district.

Statement as to
value of prop-
erty.

SEC. 50. *Be it further enacted*, That the Clerk of the County Court shall make out from said tax books an aggregate statement, showing the value of all town lots, the number of acres, and value of all tracts of land, and the value of all personal property. This statement shall be made, and the facts shown by civil districts and wards, and aggregate for the whole county for the items named. Said Clerk shall specify in said statement which of said districts are suburban or country districts. This statement shall be forwarded to the Comptroller of the Treasury on or before the first Monday in September, with a statement showing the total amount of State tax charged upon said tax books and to be collected.

Forfeiture of
compensation

SEC. 51. *Be it further enacted*, That should any Clerk of the County Court fail to comply with the requirements of the three preceding sections, when within his power to do so, he shall forfeit all claims for compensation for labor and services for making out and preparing said tax books.

Privileges.

SEC. 52. *Be it further enacted*, That the occupations and business transactions that shall be deemed privileges, and be taxed and not pursued or done without license, are the following, viz.: Merchants

and commission merchants (wholesale and retail); *provided*, that merchants who are also lumber dealers shall pay only one privilege tax, auctioneers, parties other than auctioneers selling goods at public outcry, cigar stands, plumbers, and gas fitters, artists and architects, photographers, brewers, banks or banking, brokers of all kinds, butchers, bagatelle tables, billiard tables, Jenny Lind and pool tables, circuses, manageries, street exhibitions of all kinds for profit, flying jennies, exhibitions for profit, sleight of hand and legerdemain, hacks, carriages, drays, and wheeled vehicles run for profit, or carrying express matter, except farm wagons or other farm vehicles, hucksters and sample sellers, itinerants, claim agents, lumber dealers, stock yards, and sale stables, fruit stands, shooting galleries, hotels, or taverns, restaurants or public eating houses and boarding-houses, keeping transient customers for pay; barber-shops, parties buying fees of officers, etc., parties renting or selling gas meters for the manufacture or purifying of gas; express companies, express wagons and carts, transfer wagons, intelligence offices and keepers, commercial agencies each, the business of insurance agents, coal and coke dealers or agencies, livery stables, sale stables, feed stables, omnibuses, peddlers of patented articles, peddlers of patent medicines, and of school furniture and apparatus, and peddlers in lightning-rods, and nostrums, peddlers of merchandise; also book agents representing books published outside the State; pawn brokers, liquor dealers, whether liquor be spiritous, vinous or malt (wholesale or retail), race tracks, skating rinks, ferries, dealers, etc., in sewing machines, selling by sample, dealing in securities, shaving notes, theaters, telegraph companies, ten pin alleys, variety theater establishments, commission brokers, dealers in stocks and bonds (other than brokers), companies or agencies selling to the trade or otherwise coal or illuminating oils manufactured in this State or elsewhere; dealers in county certificates or warrants, and witness fees; sleeping car companies, cotton compress companies, cotton seed oil mills, water-works companies, telephone companies, gas companies, electric light companies, hotels kept as summer resorts, except such as belong to religious, charitable, scientific and educational institu-

tions, but shall apply to any such hotel run for profit, and dealers in futures; all parks kept for pay, base ball clubs or any games played with ball and bat where a fee is charged spectators for admission; dealers in railroad tickets, side shows, bill posters, and charters of incorporated companies, litigation, mortgages, and transfers of land, parks, pool selling, railroad ticket agents and scalpers, warehouses and cotton buyers, merchant tailors, cotton commission merchants, factors and brokers, dummy railroads, feather renovators, fortune tellers, steam laundries and undertakers, construction companies.

To make a return of names of taxpayers.

SEC. 53. *Be it further enacted*, That it shall be the duty of the Assessor to make a return to the County Court Clerk of the name of each person, company, firm, or corporation, or agent of any person, company, firm, or corporation engaged in any business liable in any way to pay a privilege tax in each district or ward under the provisions of this Act. For each name contained in the list of privileges the Assessor shall be entitled to be paid five cents. It shall be the duty of the Judge or Chairman of the County Court to examine the list of names so returned and compare the same with the list of persons paying privileges, and he shall report the result to the Quarterly Court at the July term following the assessment.

Who liable for poll tax.

SEC. 54. *Be it further enacted*, That every male inhabitant between the ages of twenty-one and fifty years, except persons who are deaf, dumb, blind, or incapable of labor and of earning a livelihood, shall pay a poll tax for school purposes.

Poll tax \$1.

SEC. 55. *Be it further enacted*, That the rate of taxation on every taxable poll shall be one dollar. Said poll tax shall be collected annually by the Trustee of the county, and shall be appropriated for common school purposes, in the manner prescribed by law.

Who to collect different taxes.

SEC. 56. *Be it further enacted*, That the Clerk of the County Court shall collect all tax on privileges and merchants, and that the County Trustee shall continue to act as the collector of taxes in accordance with the provisions of sections 1 and 2 of an Act passed on the 24th day of March, 1875, entitled "An Act more cheaply to collect the State, county, and municipal revenues;" *provided, however*, this section shall not apply to municipal corporations that, under

existing laws, are authorized to collect their own taxes on property, privileges, and polls.

SEC. 57. *Be it further enacted*, That the Trustee, on receiving the tax books each year, shall give public notice by advertisement at four of the most public places in each civil district in said county, that the tax books are completed and in his hands, and that he will attend and receive all public taxes at one or more places of each civil district, such places and the times to be designated in the advertisement.

Trustee to give public notice.

SEC. 58. *Be it further enacted*, That every tax payer shall pay his State, county, railroad, municipal, highway, and school, and all his other property and poll taxes to said county Trustee; and said taxes shall be due and payable on the first Monday in October of each year (the year for which they are assessed), except the railroad taxes collected by Comptroller or Treasurer, and shall bear interest from the first Tuesday in February following.

To whom taxes must be paid.

SEC. 59. *Be it further enacted*, That said County Trustee shall give to each tax payer an itemized receipt for all the taxes by him paid, and shall, at the same time, note on his tax book the amount so paid, and when paid, and in what sort of funds paid, and the same shall also be noted on the receipt given to the tax payer and the County Court for each county in this State furnish the County Trustee or other Tax Collector of said county with a sufficient number of tax receipts printed in duplicate and blank form, in a book or books, and duplicate receipts shall be preserved in the book, to be submitted to the County Court by the Tax Collector whenever required to do so, and said receipt book of duplicates, when filled, shall be filed in the office of County Court Clerk for reference, and shall be receipted for by the Clerk and carefully preserved in his office as a record for the protection of the tax payers who have paid their taxes and lost or mislaid their receipts.

Itemized receipt.

SEC. 60. *Be it further enacted*, That hereafter it shall be the duty of the County Trustee on the first Tuesday of February of each year, or as soon thereafter as practicable following the receipt of tax books, to make out and deliver to the Constable of each civil district in his county a certified list of all delinquent taxes due in said constables' district, and said list shall include a description of said property as appears

Duties of collectors and deputies.

on the tax books. These lists shall have the force and effect of execution from a court of record, and shall be authority for the officers to whom issued to collect the unpaid taxes therein specified, the commissions and costs, and to levy upon and distrain and sell personal property anywhere in his county sufficient to pay the taxes and all costs, commissions, interest, and penalties; and in all cases where the officer cannot find personal property or sufficient personal property to satisfy said taxes he is authorized to proceed by garnishment process returnable before some acting Justice of the Peace, on the first Monday of the month succeeding the service. The proceedings on the return of such garnishment process shall be as provided in cases of garnishment on executions, and the judgment, if upon the answer of the garnishee the judgment shall go against him, shall be in the name of the Trustee. For the use of and for making out these certified lists the Trustee shall be allowed a fee of ten cents for each name appearing thereon, to be taxed with the costs; *provided*, the Trustee, in the event the Constable fail to make proper bond for the collection of said delinquent taxes, or refuses to accept the same for collection, deliver the delinquent list to a special deputy to be by him appointed for the particular district, which deputy shall give bond to be approved by the Trustee; *provided, further*, the Trustee may at any time before July the first of each year make out and deliver to the Constable or deputy, as herein provided, certified lists of delinquent taxes for the preceding two years.

Trustee to select constable.

SEC. 61. *Be it further enacted*, That where there is more than one Constable in any civil district, then shall the Trustee elect to which of them said list shall be issued, or the same may be divided up between said Constables, as the Trustee may determine, and it shall be the duty of any Constable to whom a delinquent list is tendered by the Trustee to receive and proceed to execute the same as in this Act provided for.

Trustee to appoint constables, when.

SEC. 62. *Be it further enacted*, That if there be no Constable in any civil district, then the Trustee is required, and he is hereby empowered, to appoint special deputies, either one or more, for each district, or one or more for several districts together; the deputies thus appointed are empowered to enforce the

collection of taxes specified in said lists; and they are vested with the same powers as given the Constables in Section 60 hereof, and the Trustee failing to find and to appoint a suitable person for any district, for the collection of said delinquent taxes, shall be required to collect the same in person, and for this purpose he is invested with all the power and authority of a Constable, and the same liability shall attach on his failure to collect the same; *provided*, that the Trustee may turn over to the Constable said delinquent list, if the amount of said delinquent taxes is not in excess of the amount of the official bond of said Constable, without additional bond, and that said Constable so receiving said delinquent lists shall be held liable, under the penalties of their official bonds, for amount of said delinquent taxes so collected and not accounted for according to law.

SEC. 63. *Be it further enacted*, That the Constables and deputies shall collect and pay over the taxes in the delinquent lists specified, or make due return as required by law in case of executions, by the first Monday in June. On their failure to do so they shall be liable by motion on their bond, said motion to be made by the attorney appointed under Section 65 of this Act.

Duties of constables.

SEC. 64. *Be it further enacted*, That, as compensation for his services, each Constable or deputy shall be entitled to a fee of fifty cents when levy is made and is collected, or twenty-five cents when, after levy is made, he is legally prevented from collecting, or no levy is made, to be collected from each delinquent tax payer, and to four per centum commission on the amount by him collected, to be paid by the tax payer. When the Constable collects he shall give a receipt and retain a duplicate, which is to be returned with the delinquent list, and the list so returned with duplicate receipt shall be filed in the Trustee's office. After giving out the delinquent list to the Constable, the Trustee may collect and receipt for any such taxes as may be included therein; *provided*, however, he shall also collect the Constable's fees, and all costs and commissions, and pay same over to proper Constable.

Compensation to deputies.

SEC. 65. *Be it further enacted*, That on the first Monday in July 1890, or as soon thereafter as possible, the County Court Clerks shall deliver to attor-

Clerk to turn over certified statement to attorney.

neys, to be appointed by the State Comptroller for this purpose, in the various counties of the State a certified statement of all taxes on realty remaining delinquent upon the tax books for the year 1889, for which the County Trustee has received credit from the County Court as hereinafter provided, together with all costs, fees, damages, penalties, and interest, and said Clerk shall hereafter, in like manner on first Monday in July of each year following the year for which the taxes are due, or as soon thereafter as possible, deliver to said attorney a certified statement of all taxes on realty remaining delinquent for each subsequent year for which the County Trustee has received credit from the County Court as herinafter provided, said statement shall not be delivered by the County Court Clerk to said attorney until the said attorney has first entered into bond to be approved by the Chairman or Judge of the County Court or the State Comptroller for double the amount of the taxes shown by said certified statement to be due, conditioned for the faithful discharge of his duty as to the collection and accounting for said revenue to the proper officers of the State and county. The statement shall show each tax fee, item of damages, cost in detail, also the aggregate of each; also the sum total as hereinafter provided. The statement so furnished by the Clerk to said attorney shall be in book form, and arranged as to wards, districts, etc., in the same manner as provided herein for the arrangement of the tax books as furnished the Trustee by the County Court Clerk, which said statement or book is to be kept by the attorney as a part of the official record of his office, and on which he is to indorse the dates of payment as also the names of parties making same, in redeeming or obtaining release of the State and county liens for the tax, said attorney is also to keep a separate record on which he is to enter in item the amount of revenue collected by him from each piece of property, showing the name of the party to whom assessed as well as the name of the party redeeming, the year for which payment is made, also the date of payment from which book he will furnish at the dates as herein specified, a report to the Comptroller of the State and Chairman or Judge of the County Court, showing the amount of

revenue collected by him for each respectively, which he will account for as herein required.

SEC. 66. *Be it further enacted*, That, as soon as practicable after the receipt, by the attorneys, of the statement provided for in the section next preceding, and advertising according to law, and with all proper dispatch, he shall prepare and file bills in the Chancery or Circuit Court of the district in which the land is situated, for the purpose of enforcing the lien for the taxes respectively. The bills as to State taxes shall be filed in the name of the State of Tennessee, as to county, school, railroad, special taxes, in the name of the county in which the land is situated; not less than twenty-five pieces of property shall be embraced in the same bill, if there be that number reported delinquent in the county, and if less than that number, then all shall be embraced in the same bill, and the bill shall not be objectionable on account of the number of parties made defendants thereto, and all parties having an interest in the property, and all parties necessary to enable the Court to enforce the lien and divest title, and vest the same in the purchaser, may be made parties defendant; the bill shall include all State, county, school, railroad, road and special taxes due and unpaid on the property at the time of filing thereof; the municipal corporations or taxing districts in which the land is situated, may, in their corporate capacity, be made parties defendant, so that the taxes due them may be ascertained. After the receipt of said delinquent list by said attorney, and before the filing of any bill as herein provided, he is hereby authorized to release any and all claims or liens for taxes due the State or county on payment by the owner the amount of the original tax and interest, together with such costs, etc., as have accrued, and will charge such parties a fee of ten per cent., or amount collected will be allowed said attorney as compensation for his services, and the receipt or release of said attorney will be a full acquittance to said parties of all liens for taxes due the State and county on the property so released. After the bill is filed as herein provided, and before the sale of the property, payment may be made to the attorney, and he will be allowed same fee as provided in case of decree upon payment to him of the amount of tax and in-

Attorney to file bills, when.

terest with such costs as have accrued, and when payment is made as aforesaid. When property is sold under decree, out of the purchase money shall be paid first all the costs of Court, including a tax fee of one dollar to the attorney of each piece or parcel of land so sold, and ten per cent. on amount collected, and a fee of fifty cents to the Trustee for each piece or parcel of land. Then shall be paid all the taxes being a lien at the time of the sale State, county, school, railroad, special, public road, and municipal, or taxing district taxes, in the order of priority, as provided by law. The State tax and other taxes to the officers respectively entitled to receipt for the same, the surplus, if any, shall be paid out under the order of the Court to the parties entitled thereto; *provided*, that when bills are pending for the collection of taxes, due for former years on any property, shown in said statements, it may be optional with said attorney either to file an original bill or to proceed in said cause, so pending by petition as he may deem best; *provided*, that the attorneys may include in each bill as many tracts as they see proper, but not less than twenty-five, if there be so many reported delinquent in the county, and all, if less than that number, and the number of parties sued shall not affect the validity of the proceedings; *provided*, *further*, that no State or county tax shall be taxed to such proceedings; *provided*, no fee shall be charged on the municipal taxes collected; *provided*, such municipality is represented by its own attorney, and *provided*, that no attorney, clerk, deputy clerk, or other officer charged with the collection of any delinquent tax, or in any manner interested in the collection thereof shall buy or be a bidder directly or indirectly at any sale of land for taxes under the provisions of this Act, and any sale to any such attorney, clerk, deputy clerk, or other officer, shall be deemed and held to be null and void.

Bills filed in
name of State.

SEC. 67. *Be it further enacted*, That the bills filed as directed in this Act shall be in the name of the State for itself and for the use of the county, municipality, etc. Said bills shall be in substance and form the same as other bills filed in Chancery or Circuit Courts, and shall show, by exhibits, the name of the party to whom the property is assessed for the years for which taxes are claimed and the respective inter-

ests of the parties, the State, the county, and municipality in said taxes, together with such costs, fees, penalties, and interests as have already accrued thereon. Such exhibits are to be true copies from the books or statement furnished by the County Court Clerk, and shall be *prima facie* evidence of the facts contained in said exhibits, and shall be signed by said attorney, which shall be proper and sufficient authority for the filing of same in said courts, and no bond shall be required on filing the same. No defendants shall be entitled to a copy of the bill without applying to the Clerk and paying for such copy, nor shall it be necessary that all the defendants' names be included in the copy of the subpoena to be left with said defendant, or in publications for non-residents, except as provided in the previous section; said cause shall be at issue as to any defendant whenever his or her answer is filed or *pro confesso* has been taken against them, and the cause may be proceeded with by or against any one or more of the defendants to final judgment, sale, and confirmation without in any way affecting any other party to the suit. Any party to the suit shall have the right to appeal to the Supreme Court or to writ of error, or appeal in the nature of a writ of error, and such appeal in the nature of a writ of error, or writ of error, shall not effect the proceedings as to other parties, provided no appeal in the nature of a writ of error, or writ of error, shall be allowed except from a final decree. Advertisements for sales under this Act shall embrace all property then decreed to be sold under this Act. As soon as said attorney shall receive the certified statement of delinquents he shall cause to be published in at least one issue of some newspaper published in his county, if any there be, a notice giving the names of all parties reported delinquent, and stating that at the expiration of thirty days from the date of said notice, unless the tax and costs shall be sooner paid, he will bring suit against them as required by law for the sale of their lands so reported delinquent. If there be no newspaper published in his county, then a written or printed copy of said notice shall be posted at the court-house door. Publications made and the process issued, and decrees, motions, and orders entered in any such suit shall embrace all defendants as far as practicable, and in case of final decree the costs

shall be adjudged against all the defendants embraced in that decree and pro rated according to the amount of taxes due the State and county from said defendants so far as the Chancellor or Judge presiding in such cases may deem equitable and order and decree. In the event of double assessments and the bill dismissed so far as such double assessment is concerned and cost taxed against complainants, the cost shall be pro rated between the State and county according to entire rate of taxation, including school and all special taxes. When the receipt of the Trustee or his deputy, or the Constable is presented by defendants in defense of suit, the Trustee or Constable giving such receipt shall be liable for and shall pay all costs and taxes as though he owned the property, and to this end he may be made a party to the suit by giving him five day's notice, and by serving same as other notices now served. The Sheriff's fees for serving subpoenas to answer shall be twenty-five cents for each name when served, and ten cents when returned not found, and the Clerk shall have one dollar for first name in writ and five cents for each additional name.

Clerk to certify.

SEC. 68. *Be it further enacted*, That upon the filing of each bill as herein provided, the Clerk of the Chancery or Circuit Court shall, and it is hereby made his duty to certify to the Trustee the style of the cause, the rule, number, the date of the filing, the taxes claimed as shown from the exhibits, and the Trustee shall enter a memorandum of the certificate on the original tax book opposite the name of each tax payer, and shall file the certificate. For such certificate the Clerk shall be entitled to a fee of fifty cents, to be taxed with the cost.

Attorney to make report.

SEC. 69. *Be it further enacted*, That the attorney appointed under Section 65 of this Act shall make a report of all collections made by him to the lawful parties authorized to receive and receipt for same on the first day of June and December of each year.

Trustees to turn over books.

SEC. 70. *Be it further enacted*, That hereafter the Trustees in office shall turn over to their successors, when duly elected and qualified, all the tax books and all other books, records, etc., of his office.

Distress warrants.

SEC. 71. *Be it further enacted*, That the books of the Trustees shall have a separate column or columns opposite the name of each tax payer to show in proper

order the date of issuance of the delinquent lists, which are in themselves distress warrants, as heretofore provided, and number of bill filed.

SEC. 72. *Be it further enacted*, That the compensation of the County Trustee for receiving and paying over to the rightful authorities all money received by him shall be six per centum on all sums up to \$10,000, and four per centum on all sums above \$10,000 and up to \$20,000, and a commission of two per centum on all other sums; *provided*, that in computing the compensation of the Trustee all funds, State and county, except as hereinafter provided, shall be taken and estimated as one, and each shall pay their respective portions of the above commission on all sums of money received by said Trustee for said State and county, and all corporations where the taxes are collected by the County Trustee; *provided, further*, that the school fund, road fund, and all sums paid to him by Clerks, Justices of the Peace, and other collecting officers, and upon which he is now and shall be allowed special commissions, shall not be included; *provided, further*, that at the time of settlement with the Comptroller of the Treasury and County Trustee, and the computation of commission on collections, said Trustee shall furnish the Comptroller with a certified statement from the Judge or Chairman of his County Court, showing the amount actually collected by him and paid into the County Treasury as heretofore provided; *provided, further*, that the Trustee shall not be entitled to any commission on moneys turned over to him by his predecessor in office; *provided, also*, that in no case shall his compensation exceed \$5,000 for the collection of State and county taxes proper, but the County Court in counties of 60,000 inhabitants or over may allow such clerical assistance to the Trustee as it may deem just and equitable.

Compensation
of trustee.

SEC. 73. *Be it further enacted*, That on the first Monday in March, and on the first Monday in each month thereafter, the Judge or Chairman of the County Court, for his county, and the Mayor or other proper authority of each municipality as have taxes collected by the Trustee, except taxing districts of the first class, as to which the funds shall remain as now provided by law, shall settle with the County Trustee and ascertain what balance is due from him to the county and municipality, respectively; and said Mayor, or

County judge to
settle with
trustee, when.

other proper authority of such municipality, shall demand the balance due his municipality, and if the same is not paid, shall forthwith move against said Trustee on his official bond for such balance. In making said settlement the Judge or Chairman, and said proper municipal authority respectively, shall allow the Trustee all credits to which he is entitled by law.

Committee of examination.

SEC. 74. *Be it further enacted*, That the Quarterly Courts, at their January term, shall appoint a committee of three competent citizens, not members of the County Court, who shall hold office for twelve months, whose duty it shall be to critically examine all settlements made by the County Judge, or Chairman of the County Court, with the various revenue officers of the county, and his own financial settlements, and to report in writing, under oath, the result of their investigation to the Quarterly Court; and for such services they shall each receive three dollars for each day actually engaged in making said examination.

Specification.

SEC. 75. *Be it further enacted*, That the settlement made by said Judge or Chairman, and committee of the court, shall be spread upon the minutes of the court, and shall specify every credit allowed said officers for errors, removal, double taxation, and such other credits as are now allowed by law, except compensation to Trustees.

Assessment not invalid.

SEC. 76. *Be it further enacted*, That no assessment shall be invalid because the number of acres, or the size and dimensions of any tract, lot, or parcel of land has not been precisely named, or the amount of the valuation or tax not precisely given, nor because the property has been assessed in the name of a person who did not own the same, nor because the same was assessed to unknown owners, nor on account of any objection or informality merely technical, but all such assessments shall be good and valid.

Trustees to furnish list of errors.

SEC. 77. *Be it further enacted*, That commencing with the taxes for the year 1889, and annually thereafter at the July term of the County Court, but not later, of the year succeeding the year for which the taxes are due, the Trustees of the several counties of the State shall present a complete and accurate list of all clerical errors, double assessments, removals, and polls, and all assessments on personal property where

the taxes could not be collected, all for the preceding year, with the reasons assigned why all of said taxes have not been collected. The said County Court shall carefully consider said list, denominated errors, etc., and, if just, shall allow the same, or so much thereof as shall meet the approbation of the court, and shall order a credit for such an amount as they may deem just and proper, and an itemized list of such a credit allowed to the Trustee shall be spread upon the minutes of the court, and a certified transcript of same, under seal of said court, shall be furnished the proper authorities by the Clerk of said Court, which shall entitle the Trustee to a credit in settlement of his accounts with State, county, and municipality, and said transcript shall set forth in full why such credits are allowed.

SEC. 78. *Be it further enacted*, That commencing with the taxes for the year 1889, and annually thereafter, at the July term of the County Court, but not later, of the year succeeding the year for which the taxes are due, the Trustees of the several counties of the State shall present a complete and accurate list or statement, sworn to by the Trustee as being a true copy, as appears from his tax books, showing the delinquent realty tax for the preceding year, viz.: value and each tax, fee, items of damages, costs, in detail; also the aggregate of each, also the sum total, so that the same may be compared and examined by the court, and so that proceedings by motions, or otherwise, may be had against the Trustee for failure to collect, if he could have collected, and for failure to make the proper returns. And said report of the Trustee shall be accompanied by his affidavit that no personal property could be found, after using all legal means, out of which to make said taxes, and the County Court shall carefully consider same, and allow so much of same as shall meet the approbation of the court as being just and proper, but in no instance shall the County Court allow said Trustee a credit exceeding the amount contained in his report (accompanied by affidavit), as herein provided, and a list itemized, as heretofore provided, of such credits as are allowed to the Trustee, under this section, shall be spread upon the minutes of the court, and a copy of same, certified to by the County Clerk under the seal of his court, shall be by him furnished to the

List of delin-
quent realty.

attorneys as heretofore provided, who shall give three or more receipts, as may be needed, to said County Court Clerk, for same, to be signed in presence of and to be attested to by the Clerk under seal of his court, one of which receipts shall be retained by said Clerk for his own protection, the others to be forwarded by said Clerk to the proper officers with whom by law the Trustee is required to settle, and said receipts shall entitle said Trustee to a credit on his accounts with the State, county, or municipality, as the case may be, in making his final settlements, and the attorneys, as heretofore provided, shall be charged with the amount set forth in said receipts by the proper officers.

Clerk's compensation.

SEC. 79. *Be it further enacted*, That as compensation for the service rendered by the Clerk of the County Court as required by the two preceding sections, he shall receive a reasonable fee, to be fixed upon and determined by the County Court, and paid by the county.

Trustee to make monthly statements.

SEC. 80. *Be it further enacted*, That said Trustee shall make monthly settlements with the Comptroller of the State, and with the Judge or Chairman of the County Court, and with the financial agent, or Treasurer of each municipality, and pay over to the same the amount shown by the respective settlements to be due each. The Trustee shall make, under oath, a full and complete statement on the first Monday of July, of the condition of his office, setting out the amount of taxes collected, amount not collected, giving State, county, and school taxes separately, and a full statement of the disbursements of the same, and amount on hand, and shall cause the same to be published in a paper published in the county, and if no paper is published in said county, to cause it to be published in the paper published nearest the county site, and paid for by the county.

Trustee to account for all collections.

SEC. 81. *Be it further enacted*, That each and every Trustee shall, on or before the first Monday in September, submit the statements heretofore provided to the Comptroller of the Treasury for the purpose of making settlement and accounting for all taxes and damages, penalties, fines, and interest by him collected for and on behalf of the State, and on such settlements shall be allowed credit as herein provided, and none other.

SEC. 82. *Be it further enacted*, That each and every Trustee shall, on or before the time named in the preceding section, submit his account as County Trustee to the Judge or Chairman of the County Court for the purpose of making settlements and accounting for all taxes and penalties and all other county revenue collected by him for and on behalf of the county, and on such settlements shall be allowed credits as provided herein, and all credits provided in Chapter 139, page 180, Acts of 1879, and all other proper credits to which he is entitled by law. Credits allowed.

SEC. 83. *Be it further enacted*, That each and every Trustee shall, on or before the first Monday in September of each year, submit the statement heretofore provided in this Act to the Mayor, Recorder, or President of any town, city or taxing district for the purpose of making final settlements and accounting for all taxes, etc., by him collected on behalf of same, and on such settlements he shall be allowed credits as herein provided, and all other credits allowed by law. Statement submitted to municipal officers.

SEC. 84. *Be it further enacted*, That any and all parties violating the provisions of this Act upon whom no penalty has been heretofore prescribed for so doing, shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay to the State not less than fifty dollars, nor more than five hundred dollars, and where any Trustee, Constable, or other officer whose duty it is to collect any taxes under the provisions of this Act fails to pay over or account for any and all taxes they may have, or ought to have collected, to the proper officers, in addition to the above penalties they shall be liable to a penalty of fifteen per cent. on same, which is in no wise to be remitted after the matter is placed in the hands of an attorney, and shall, in addition, forfeit their respective offices. Penalty for violation.

SEC. 85. *Be it further enacted*, That this Act shall not be so construed as to prevent towns acting under charters of incorporation from providing for the assessment and collection of taxes in pursuance of their charter, for municipal purposes, if such cities or towns have their own tax collector. Cities or towns to collect taxes.

SEC. 86. *Be it further enacted*, That Chapter 81 of the Acts of 1875, entitled "An Act to amend all laws for the assessment and collection of revenue," and Conflicting laws repealed.

Chapter 73 of the Acts of 1877, entitled "An Act to amend all laws for the assessment of property," and Chapter 245 of the Acts of 1879, entitled an Act to repeal an Act passed March 23, 1877, and to amend revenue laws of the State, and to amend the Act passed March 23, 1875, entitled an Act to more cheaply collect the State, county, and municipal revenue, and Chapter 171 of the Acts of 1881, entitled an Act to provide more just and equitable laws for the assessment and collection of revenue for State and county purposes, and to repeal all laws now enforced whereby revenue is collected from the assessments of real estate, personal property, privileges, or polls, so far as they conflict with this Act, also Chapter 105 of the Acts of 1883, approved March 30, 1883, and Chapter 1, Acts of 1885, approved April 9, 1885, entitled an Act to provide more just and equitable laws for the assessment and collection of revenue for State, county, and municipal purposes, and to repeal all laws now enforced whereby revenue is collected from the assessment of real estate, personal property, privileges, and polls, and all Acts and parts of Acts upon the subject of assessment and collection of taxes, and sale of land for taxes in conflict with the provisions of this Act, and all other Acts in conflict with the provisions of this Act, also Chapter 28 of the General Assembly, second extra session of 1882, approved April 27, 1882, and also Chapter 2 of Acts of 1887, approved March 26, 1887, be and the same are hereby repealed. This repeal shall operate as to all taxes assessed under this Act, but shall not operate so as to interfere with the taxes assessed prior to the passage of this Act except as hereinbefore especially otherwise provided.

SEC. 87. *Be it further enacted*, That this Act take effect from and after the first day of January, 1890.

Passed April 6, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 8, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 97.

AN ACT to defray the current expenses of the regular session of the Forty-sixth General Assembly, and to defray the current expenses of the State Government of the next two years.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That to defray the current ex-^{Appropriations to defray current expenses.}penses of the regular session of the Forty-sixth General Assembly, and to defray the current expenses of the State Government for two years, commencing March 19, 1889, the following appropriations are made for the following purposes, and none other, which are to be paid out of the Treasury on the warrant of the Comptroller, or so much thereof as may become necessary in the administration of the State Government, and the Comptroller shall not issue his warrant upon the Treasurer for any other or more money, except on accounts where the appropriation has been made by law.

CRIMINAL AND STATE PROSECUTIONS.

(Costs accrued on behalf of the State.)

Criminal and State prosecutions.

| | |
|---|---------------------|
| Fees of Clerks, Magistrates, Sheriffs, witnesses, etc..... | \$ 230,000 00 |
| Fees of District Attorneys- General..... | 30,000 00 |
| Jail fees | 100,000 00 |
| Boarding juries..... | 20,000 00 |
| Arresting fugitives..... | 3,000 00 |
| Lunatics to Asylum.. .. | 1,000 00 |
| | <hr/> \$ 384,000 00 |

JUDICIAL SALARIES.

Judicial salaries.

| | |
|---|---------------------|
| Supreme Judges (5), at \$3,500 per annum | \$ 35,000 00 |
| Chancery Judges (11), at \$2,500 per annum... .. | 55,000 00 |
| Circuit Judges (15), at \$2,500 per annum..... | 75,000 00 |
| Criminal Judges (3), at \$2,500 per annum..... | 15,000 00 |
| Criminal Judge (1), at \$1,250 | 2,500 00 |
| | <hr/> \$ 182,500 00 |

| | | |
|----------------------------|---|----------|
| Attorney-General's salary. | Attorney-General and Reporter's salary, at \$3,000 per annum | 6,000 00 |
| | Funding Board expenses as allowed by law. | |

| | | |
|---------------------|---|--------------------|
| | EXECUTIVE SALARIES. | |
| Executive salaries. | Governor, at \$4,000 per annum | \$ 8,000 00 |
| | Comptroller, at \$2,750 per annum..... | 5,500 00 |
| | Treasurer, at \$2,700 per annum | 5,400 00 |
| | Secretary of State, at \$1,800 per annum..... | 3,600 00 |
| | | <hr/> \$ 22,500 00 |
| | Comptroller's first Clerk, at \$1,800 per annum..... | 3,600 00 |
| | Comptroller's second Clerk, at \$1,000 per annum..... | 2,000 00. |
| | Comptroller's third Clerk, in lieu of the Funding Clerk, when needed, at the rate of \$50 per month. | |
| | Treasurer's Clerk, at \$1,800 per annum | 3,600 00 |
| | Adjutant-General, at \$1,800 per annum | 3,600 00 |
| | Secretary of State's Clerk, at \$1,500 per annum..... | 3,000 00 |
| | Clerical assistance to Governor, \$500 per annum | 1,000 00 |
| | Superintendent for Hospital for Insane, Middle Tennessee, salary \$2,000 per annum..... | 4,000 00 |
| | Superintendent for Hospital for Insane, East Tennessee, salary \$2,000 per annum | 4,000 00 |
| | Superintendent for Hospital for Insane, West Tennessee, salary at the rate of \$2,000 per annum after operation begins. | |
| | State Librarian, salary \$1,000 per annum..... | 2,000 00 |
| | Assistant Librarian's salary, \$500 per annum | 1,000 00 |
| | Superintendent of Capitol, salary \$1,001 per annum | 2,002 00 |
| | | <hr/> \$ 29,802 00 |

OFFICERS OF PENITENTIARY—SALARIES.

Officers of Peni-
tentiary, sala-
ries.

| | |
|--|--------------------|
| Salary of Superintendent, \$2,- 400 per annum | \$ 4,800 00 |
| Salary of Warden, \$1,800 per annum | 3,600 00 |
| Salary of Deputy Warden, \$1,- 500 per annum | 3,000 00 |
| Salary of Physician, \$1,000 per annum | 2,000 00 |
| Salary of Chaplain, \$300 per annum | 600 00 |
| | <hr/> \$ 14,000 00 |

LEGISLATIVE EXPENSES.

Legislative
expenses.

Mileage and per diem of members on schedule below.
Per diem of officers on schedule below.
Printing, miscellaneous, stationery, etc....\$ 4,000 00

EXECUTIVE EXPENSES.

Executive
expenses.

Books, blanks, stationery, etc.,
for four officers.....\$ 3,000 00

CAPITOL EXPENSES.

Capitol
expenses.

| | |
|---|------------------|
| Gas, fuel, water, etc., and con- tingent repairs..... | \$ 1,000 00 |
| Coal, etc..... | 1,000 00 |
| One porter for Governor and Secretary of State, at \$540 per annum..... | 1,080 00 |
| Two other porters for other officers and general work when needed, to be under the control of the Superintend- ent of the Capitol, at \$360 per annum..... | 1,440 00 |
| Landscape gardener, at \$720 per annum..... | 1,440 00 |
| One night watchman, at \$600 per annum..... | 1,200 00 |
| | <hr/> \$7,160 00 |

SUPREME COURT EXPENSES.

Supreme Court
expenses.

East, Middle, and West Ten-
nessee\$6,000 00

Railroad assessments..... \$4,000 00

Public printing
expenses.

PUBLIC PRINTING.

| | |
|--|-------------------|
| Publishing Treasurer's quarterly report | \$ 1,600 00 |
| Messages and reports of various officers, as ordered under resolution..... | 2,000 00 |
| Publishing Acts, Journals, Appendixes, etc..... | 3,000 00 |
| Assessment blanks..... | 3,000 00 |
| | <hr/> \$ 9,600 00 |

Library
expenses.

Library expenses..... \$900 00

Common
schools ex-
pense.

COMMON SCHOOLS.

| | |
|--|------------------|
| Superintendent of Public Instruction, salary \$2,000 per annum | \$ 4,000 00 |
| Clerk of Superintendent, \$500 per annum..... | 1,000 00 |
| Traveling expenses, \$500 per annum | 1,000 00 |
| Interest on School Fund | 295,500 00 |
| Interest on Spencer T. Hunt Fund to July 1, 1891..... | 888 33 |
| | <hr/> 302,388 33 |

State Normal
College ex-
pense.

STATE NORMAL COLLEGE.

| | |
|--|-------------------|
| Per annum, \$10,000..... | \$20,000 00 |
| Per annum for Colored Department, \$3,300..... | 6,600 00 |
| | <hr/> \$26,600 00 |

Charitable
institutions.

CHARITABLE INSTITUTIONS.

| | |
|---|--------------|
| Hospital for Insane, Middle Tennessee, 350 patients at \$170 each, per annum, \$59,500..... | 119,000 00 |
| Also the further sum of \$2,500 to be used only for the purpose of rebuilding stairway.. | 2,500 00 |
| | <hr/> |
| Amount carried forward..... | \$121,500 00 |

| | | |
|--|--------------|------------|
| Amount brought forward.... | \$121,500 00 | |
| Hospital for Insane, East Tennessee, 235 patients at \$170 each, per annum, \$39,950..... | 79,900 00 | |
| Hospital for Insane, West Tennessee, 235 patients at \$170 each, per annum, commencing September 19, 1889..... | 59,925 00 | |
| | <hr/> | 261,325 00 |

School for Deaf and Dumb.

Deaf and Dumb School.

| | | |
|--|-------------|-------------|
| Act March, 1867, allowed White Department, payable quarterly | \$48,000 00 | |
| Colored pupils, payable quarterly | 7,000 00 | |
| For deficiency for last two years | 1,000 00 | |
| For improvements, repairs, etc. | 2,000 00 | |
| For improving and protecting property for white school.... | 3,500 00 | |
| | <hr/> | \$61,500 00 |

School for Blind.

School for the Blind.

| | | |
|---|-------------|-------------|
| White and colored pupils, payable quarterly | \$35,000 00 | |
| And also the additional sum of \$5,000 to be used and only used for the purpose of purchasing additional ground to enlarge the campus and to erect a laundry outside the main building..... | 5,000 00 | |
| | <hr/> | \$40,000 00 |

BUREAU OF AGRICULTURE, STATISTICS, MINES, AND IMMIGRATION.

Bureau of Agriculture, Statistics, Mines, and Immigration.

| | | |
|--|-------------|-------------|
| Salary of Commissioner at \$2,500 per annum..... | \$ 5,000 00 | |
| Expenses of Department, \$8,000 per annum | 16,000 00 | |
| | <hr/> | \$21,000 00 |
| Clerical assistance to Commissioner, \$1,500 per annum, to | | |

come out of \$16,000 appropriated as expenses to Bureau. Salary and expenses of Mine Inspector, as per Acts of 1887, Section 3, Chapter 247.

| STATE GEOLOGIST. | |
|---|----------|
| State Geologist. | |
| Salary of State Geologist, \$300 per annum..... | \$600 00 |

| MISCELLANEOUS ACCOUNTS. | |
|--|-------------|
| Miscellaneous. | |
| Express charges on money from collecting officers | \$ 1,500 00 |
| Tax aggregates..... | 2,400 00 |
| Supreme Court Reports..... | 3,600 00 |
| Publishing Governor's proclamation, etc | 500 00 |
| Publishing Acts in newspapers | 400 00 |
| Publishing Road Law to Marshall & Bruce..... | 250 00 |
| Copying Acts for newspapers and indexing them..... | 150 00 |
| State Board of Health | 6,000 00 |
| An additional appropriation to be expended only in case of epidemic on approval of Governor..... | 6,000 00 |
| Amount paid by State Board of Health on account of yellow fever epidemic, as ordered by the Governor..... | 2,246 88 |
| Public arms expense..... | 800 00 |
| For Warden's office. Main Prison at Nashville, office furniture, telephone rent, photographic outfit, etc..... | 250 00 |
| Expenses of Board of State Prison Inspectors, at \$3.00 per day, visits to be quarterly, not to exceed eight days per visit—estimated..... | 576 00 |
| To pay past interest on loans, and interest on any future loans that may be necessary. | 50,750 00 |
| Amount carried forward..... | \$75,422 88 |

| | |
|---|------------------|
| Amount brought forward.... | \$75,422 88 |
| Deficit in last appropriation for interest on loans already paid | 36,898 08 |
| | <hr/> 112,320 96 |
| Grand total..... | \$1,498,596 29 |

SEC. 2. *Be it further enacted*, That the Comptroller of the Treasury issue his warrant to each member of the Senate and to each officer and employe of the same for the amount stated to be due in the following schedule :

| NAMES OF SENATORS. | No. of Miles. | Mileage. | No. of Days. | Per Diem. | Total. |
|----------------------|---------------|----------|--------------|-----------|----------|
| Alcorn, R. S..... | 140 | \$ 22 40 | 75 | \$300 | \$322 40 |
| Apple, J. C..... | 125 | 20 00 | 75 | 300 | 320 00 |
| Barnhill, J. T..... | 444 | 71 04 | 75 | 300 | 371 04 |
| Berry, C. R..... | 40 | 6 40 | 75 | 300 | 306 40 |
| Burns, M..... | | | 75 | 300 | 300 00 |
| Carter, P. W..... | 100 | 16 00 | 75 | 300 | 316 00 |
| Cobbs, L. T..... | 59 | 9 28 | 75 | 300 | 309 28 |
| Craighead, T. D..... | | | 75 | 300 | 300 00 |
| Crews, J. M..... | 464 | 74 24 | 75 | 300 | 374 24 |
| Cypert, T. J..... | 290 | 46 40 | 75 | 300 | 346 40 |
| Dortch, J. H..... | 572 | 91 52 | 75 | 300 | 391 52 |
| Fouts, M T..... | 392 | 62 72 | 75 | 300 | 362 72 |
| Hall, B. F..... | 296 | 47 36 | 75 | 300 | 347 36 |
| Hodges, W. B..... | 678 | 108 40 | 75 | 300 | 408 40 |
| Jarvis, H. C..... | 680 | 108 80 | 75 | 300 | 408 80 |
| Jones, J. L..... | 374 | 59 84 | 75 | 300 | 359 84 |
| Lamb, W. B..... | 244 | 39 04 | 75 | 300 | 339 04 |
| Long, T. C..... | 344 | 55 04 | 75 | 300 | 355 04 |
| McCorkle, J. E..... | 372 | 59 52 | 75 | 300 | 359 52 |
| McDowell, W. W..... | 464 | 74 24 | 75 | 300 | 374 24 |
| Moody, C. J..... | 126 | 16 75 | 75 | 300 | 320 16 |
| Myers, J. C..... | 410 | 65 60 | 75 | 300 | 365 60 |
| Mynatt, E. F..... | 526 | 84 16 | 75 | 300 | 384 16 |
| Nelson, D. R..... | 468 | 74 88 | 75 | 300 | 374 88 |
| Penland, J. R..... | 580 | 82 80 | 75 | 300 | 392 80 |
| Plummer, F. A..... | 190 | 30 40 | 75 | 300 | 330 40 |

Issue warrant
to Senators
and others.

| NAMES OF SENATORS. | No. of Miles. | Mileage. | No. of Days. | Per Diem. | Total. |
|---|---------------|----------|--------------|-----------|----------|
| Pyott, S. C | 302 | \$ 48 32 | 75 | \$300 | \$348 32 |
| Sensing, J. D | 180 | 28 80 | 75 | 300 | 328 80 |
| Sparks, J. W | 64 | 10 24 | 75 | 300 | 310 24 |
| Stout, J. W | 210 | 33 60 | 75 | 300 | 333 60 |
| West, J. A | 730 | 116 80 | 75 | 300 | 416 80 |
| Williamson, S. B | 374 | 60 04 | 75 | 300 | 360 04 |
| Woodcock, W. M | | | 20 | 80 | 80 00 |
| OFFICERS. | | | | | |
| Lea, B. J, Speaker | 368 | 58 88 | 75 | 450 | 508 88 |
| Harris, Jas. A., Chief Clk | | | 75 | 450 | 450 00 |
| Ewing, Caruthers, Ass't Clerk | | | 75 | 450 | 450 00 |
| Taylor, Mrs. Bettie, Engrossing Clerk | | | 75 | 450 | 450 00 |
| Coe, Harry L. Page | | | 75 | 300 | 300 00 |
| Hickman, J. P., Sg't. at Arms | | | 75 | 300 | 300 00 |
| Oldham, Ike, Porter | | | 73 | 292 | 292 00 |
| Keeble, Forbs, Porter | | | 73 | 292 | 292 00 |

Warrant in favor of J. W. Gates.

SEC. 3. *Be it further enacted,* That the Comptroller draw his warrant on the Treasury in favor of John W. Gates, Register of the Land Office for West Tennessee, for six hundred and thirty-eight dollars and eighty-three cents, in accordance with Senate Joint Resolution No 1.

Issue Warrant to Representatives and others.

SEC. 4. *Be it further enacted,* That the Comptroller of the Treasury issue his warrant to each member of the House, and the officers and employees of the same, for the amounts stated to be due them in the following schedule :

| NAMES OF REPRESENTATIVES. | No. of Miles. | Mileage. | | No. of Days. | Per Diem. | Total. | |
|------------------------------|---------------|----------|-------|--------------|-----------|--------|----|
| Adams, J. C. | 404 | \$ 64 | 64 | 75 | \$300 | \$364 | 64 |
| Adams, C. C..... | 280 | 44 | 80 | 75 | 300 | 344 | 80 |
| Andes, J. W. | 560 | 89 | 60 | 75 | 300 | 389 | 60 |
| Avery, Sid..... | 358 | 57 | 28 | 75 | 300 | 357 | 28 |
| Bagwell, Alex..... | 225 | 36 | 00 | 75 | 300 | 336 | 00 |
| Beal, Jas. H..... | 672 | 107 | 52 | 75 | 300 | 407 | 52 |
| Bennett, F. T. | 310 | 49 | 60 | 75 | 300 | 349 | 60 |
| Bierlein, Jno..... | ..... | ..... | ..... | 18 | 18 | 72 | 00 |
| Bockman, J. C. | 130 | 20 | 80 | 75 | 300 | 320 | 80 |
| Bonham, M. L..... | 140 | 22 | 40 | 75 | 300 | 322 | 40 |
| Buchanan, J. P. | 86 | 13 | 76 | 75 | 300 | 313 | 76 |
| Burton, S. D..... | 452 | 72 | 32 | 75 | 300 | 372 | 32 |
| Callicott, T. P..... | 320 | 51 | 20 | 75 | 300 | 351 | 20 |
| Carson, T. Bun..... | 440 | 70 | 40 | 75 | 300 | 370 | 40 |
| Caruthers, W. A..... | 392 | 62 | 72 | 75 | 300 | 362 | 72 |
| Cecil, Beaty..... | 536 | 85 | 76 | 75 | 300 | 385 | 76 |
| Collins, C. C. | 770 | 123 | 20 | 75 | 300 | 423 | 20 |
| Comer, Samuel..... | 452 | 72 | 32 | 75 | 300 | 372 | 32 |
| Conoway, N. H..... | 248 | 39 | 68 | 75 | 300 | 339 | 68 |
| Corban, B. J..... | 148 | 23 | 68 | 75 | 300 | 323 | 68 |
| Craig, A. N..... | 246 | 39 | 36 | 75 | 300 | 339 | 36 |
| Cummings, J. H..... | 104 | 16 | 64 | 75 | 300 | 316 | 64 |
| Dail, I. A..... | 494 | 79 | 04 | 75 | 300 | 379 | 04 |
| Davis, Ralph..... | 464 | 74 | 24 | 75 | 300 | 374 | 24 |
| DeArmond, R. T..... | 526 | 84 | 16 | 75 | 300 | 384 | 16 |
| Dismukes, W. C..... | 52 | 8 | 32 | 75 | 300 | 308 | 32 |
| Eaton, R. P..... | 486 | 77 | 76 | 75 | 300 | 377 | 76 |
| Fort, Joel B..... | 90 | 14 | 40 | 75 | 300 | 314 | 40 |
| Freeman, T. Harvey | 40 | 6 | 40 | 75 | 300 | 306 | 40 |
| Friar, H. H..... | 678 | 108 | 48 | 75 | 300 | 408 | 48 |
| Gault, Samuel H..... | 696 | 111 | 36 | 75 | 300 | 411 | 36 |
| Gill, H B..... | 154 | 24 | 64 | 75 | 300 | 324 | 64 |
| Godwin, D. G..... | 464 | 74 | 24 | 75 | 300 | 374 | 24 |
| Gooch, J. S..... | 40 | 6 | 40 | 75 | 300 | 306 | 40 |
| Goodpasture, Albert V.. | 120 | 19 | 20 | 75 | 300 | 319 | 20 |
| Hale, Jno. C. | 576 | 92 | 16 | 75 | 300 | 392 | 16 |
| Hale, Will B..... | 90 | 14 | 40 | 75 | 300 | 314 | 40 |

| NAMES OF REPRESENTATIVES. | No. of Miles. | Mileage. | No. of Days. | Per Diem. | Total. |
|------------------------------|---------------|----------|--------------|-----------|----------|
| Hargis, Jas | 350 | \$ 56 00 | 75 | \$300 | \$356 00 |
| Harris, Joe | 526 | 84 16 | 75 | 300 | 384 16 |
| Harwell, T. B..... | 168 | 26 88 | 75 | 300 | 326 88 |
| Head, Jno. R..... | 368 | 58 88 | 75 | 300 | 358 88 |
| Hill, Lucius D..... | 280 | 44 80 | 75 | 300 | 344 80 |
| Hinkle, H. R..... | 396 | 63 36 | 75 | 300 | 363 36 |
| Hutchison, J. H..... | ..... | ..... | 75 | 300 | 300 00 |
| Jacobs, Lee | 166 | 26 56 | 75 | 300 | 326 56 |
| Johnson, Tim ..... | ..... | ..... | 75 | 300 | 300 00 |
| Johnston, T. W..... | 274 | 43 84 | 75 | 300 | 343 84 |
| Joiner, C. M | 164 | 26 24 | 75 | 300 | 326 24 |
| Jones, G. W..... | 264 | 42 24 | 75 | 300 | 342 24 |
| Jones, J. B..... | 444 | 71 04 | 75 | 300 | 371 04 |
| Jones, Jos. E..... | 175 | 28 00 | 75 | 300 | 328 00 |
| Jones, Samuel G..... | 164 | 26 24 | 75 | 300 | 326 24 |
| Leech, Hardin | 100 | 16 00 | 75 | 300 | 316 00 |
| Lewis, J. W..... | 280 | 44 80 | 75 | 300 | 344 80 |
| Longacre, J. S..... | 280 | 44 80 | 75 | 300 | 344 80 |
| Lowe, Andrew J..... | 180 | 28 80 | 75 | 300 | 328 80 |
| McCall, Geo. T..... | 210 | 33 60 | 75 | 300 | 333 60 |
| McCall, Jno. E | 319 | 51 04 | 75 | 300 | 351 04 |
| McDonald, E. N..... | 100 | 16 00 | 75 | 300 | 316 00 |
| McNabb, A..... | 332 | 53 12 | 75 | 300 | 353 12 |
| McRee, F. M..... | 320 | 51 20 | 75 | 300 | 351 20 |
| Mace, B. M..... | 30 | 4 80 | 75 | 300 | 304 80 |
| Marshall, Park | 40 | 6 40 | 75 | 300 | 306 40 |
| Mitchell, Jno..... | 614 | 98 24 | 75 | 300 | 398 24 |
| Moore, Wm..... | 670 | 107 20 | 75 | 300 | 407 20 |
| Moore, J. L.. | 576 | 92 16 | 75 | 300 | 392 16 |
| Moore, J. C..... | 440 | 70 40 | 75 | 300 | 370 40 |
| Moreland, M. L..... | 820 | 131 20 | 75 | 300 | 431 20 |
| Morris, T. O..... | ..... | ..... | 75 | 300 | 300 00 |
| Myers, Thos. R..... | 126 | 20 16 | 75 | 300 | 320 16 |
| Odlum, Richard A..... | 464 | 74 24 | 75 | 300 | 374 24 |
| Oliver, Jno. E.. | 744 | 119 04 | 75 | 300 | 419 04 |
| Palmer, H. E..... | 64 | 10 24 | 68 | 272 | 282 24 |
| Parks, Jas. G... .. | 442 | 70 72 | 75 | 300 | 370 72 |

| NAMES OF REPRESENTATIVES. | No. of miles. | Mileage. | No. of Days. | Per Diem. | Total. |
|--|---------------|----------|--------------|-----------|----------|
| Patterson A. J..... | 772 | \$123 52 | 75 | \$300 | \$423 52 |
| Pearson, J. D... .. | 348 | 55 68 | 75 | 300 | 355 68 |
| Polk, Rufus K..... | ..... | ..... | 75 | 300 | 300 00 |
| Renkert, Andrew | 464 | 74 24 | 75 | 300 | 374 24 |
| Richardson, J. W..... | 178 | 28 48 | 75 | 300 | 328 48 |
| Rosier, David Hampton | 650 | 104 00 | 75 | 300 | 404 00 |
| Savage, John H..... | 208 | 33 28 | 73 | 292 | 325 28 |
| Senter, W. M..... | 354 | 56 64 | 75 | 300 | 356 64 |
| Shaw, C. C..... | 388 | 62 18 | 75 | 300 | 362 18 |
| Shelton, W. T..... | 572 | 91 52 | 75 | 300 | 391 52 |
| Smith, Anderson E | 244 | 39 04 | 75 | 300 | 339 04 |
| Stainback, C. A..... | 600 | 96 00 | 75 | 300 | 396 00 |
| Stevens, Chas. H. | 530 | 84 80 | 75 | 300 | 384 80 |
| Stephens, W. B..... | 466 | 74 56 | 75 | 300 | 374 56 |
| Stone, Jno. W..... | 302 | 48 32 | 75 | 300 | 348 32 |
| Strayhorne, W. J..... | 94 | 15 04 | 75 | 300 | 315 04 |
| Taylor, M. D | 706 | 112 96 | 75 | 300 | 412 96 |
| Thompson, R. H..... | 414 | 66 24 | 75 | 300 | 366 24 |
| Tollett, E. G., Jr..... | 440 | 70 40 | 75 | 300 | 370 40 |
| Whitthorne, W. J..... | 94 | 15 04 | 75 | 300 | 315 04 |
| Wilkes, N. R..... | 92 | 14 72 | 75 | 300 | 314 72 |
| Williams, J. J..... | 170 | 27 20 | 75 | 300 | 327 20 |
| Woodall, E. M ..... | ..... | ..... | 75 | 300 | 300 00 |
| Yancey, R. P..... | 155 | 24 80 | 75 | 300 | 324 80 |
| Young, Samuel..... | 402 | 64 32 | 75 | 300 | 364 32 |
| OFFICERS. | | | | | |
| Clapp, W. L., Speaker... | 464 | 74 24 | 75 | 450 | 524 24 |
| Wade, E. B., Chief Clerk ..... | ..... | ..... | 75 | 450 | 450 00 |
| Crockett, C. W., As- sistant Clerk..... | ..... | ..... | 75 | 450 | 450 00 |
| Doyle, H. P., Journal Clerk ..... | ..... | ..... | 75 | 450 | 450 00 |
| Dance, Miss, Engrossing Clerk..... | ..... | ..... | 75 | 450 | 450 00 |

| NAMES OF REPRESENTATIVES. | No. of Miles. | Mileage. | No. of Days. | Per Diem. | Total. |
|---|---------------|----------|--------------|-----------|----------|
| Harkreader, Wm., Ser- geant-at-Arms..... | | | 91 | \$364 | \$364 00 |
| Berger, Jno. M., Ass't Sergeant-at-Arms..... | | | 83 | 332 | 332 00 |
| PORTERS. | | | | | |
| Brown, R. T..... | | | 44 | 176 | 176 00 |
| Martin, Sylvester..... | | | 75 | 300 | 300 00 |
| Morris, Scott..... | | | 80 | 320 | 320 00 |
| Wyatt, Robert..... | | | 80 | 320 | 320 00 |
| Thornton, Ed.. .. | | | 31 | 124 | 124 00 |

Warrants for
interest due.

SEC. 5. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer for the interest due July 1, 1889, January 1, 1890, July 1, 1890, January 1, 1891, on the bonds comprising the State debt proper, and the railroad debt, as the same may be payable by statute.

Interest on
Polk bonds.

SEC. 6. *Be it further enacted*, That the Comptroller draw his warrant on the Treasurer in favor of the widow of ex-President Polk for the interest due July 1, 1889, January 1, 1890, July 1, 1890, and January 1, 1891, on the bonds of the State owned and held by her on the first day of January, 1877, not exceeding twenty-nine in number.

Interest on
bonds held by
charitable
institutions.

SEC. 7. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer for the payment of interest due July 1, 1889, January 1, 1890, July 1, 1890, and January 1, 1891, on bonds and certificates of indebtedness held by charitable, literary, or educational institutions in this State, as the same may be due by existing laws.

Duties of prin-
cipal clerk;
compensation.

SEC. 8. *Be it further enacted*, That the Principal Clerk of the Senate be directed to remain a sufficient time after the adjournment of the General Assembly

to file properly the papers of the Senate with the Secretary of State, to re-copy the Journals of the Senate for the public printer, reading proof, superintending printing of same, and making the index to the printed journals, for which the sum of one thousand dollars is hereby appropriated, and for such service the Comptroller be and he is hereby directed to issue his warrant on the Treasurer for said sum in favor of said Clerk; and that the Assistant Clerk shall remain and assist the Clerk in re-copying the Senate Journal, and for such service he shall be allowed four hundred and fifty dollars, and that the Comptroller be directed to draw his warrant on the Treasurer when said Clerk shall have completed his labors.

SEC. 9. *Be it further enacted*, That the Comptroller draw his warrant on the Treasurer for the following amounts in accordance with the orders of the Senate and House: Comptroller's
warrant

| | |
|--|----------|
| J. D. Talley, Sergeant-at-Arms—organization of the House..... | \$ 32 00 |
| Aaron Sellars, porter—organization..... | 30 00 |
| Chas. Bell, porter—organization..... | 36 00 |
| Whitt Fields, porter—organization..... | 36 00 |
| Jake Johnson, porter—organization..... | 30 00 |
| Scott Morris, porter—organization..... | 12 00 |
| Tennessee Range Co., shields for stove..... | 24 65 |
| Houston, Bridges & Co., spittoons..... | 14 25 |
| J. P. Hickman, Senate Resolution No. 13..... | 271 35 |
| Wm. Miller..... | 45 00 |
| Bradford Nichol, Senate Resolution No. 24... | 24 00 |
| G. W. Griffin, Assistant Clerk in organizing Senate..... | 12 00 |
| J. P. Hickman, Sergeant-at-Arms, slop-buckets, chimneys, brushes, etc..... | 25 80 |
| J. P. Hickman, Senate Resolution No. 7, postage..... | 165 00 |
| J. W. Barnes & Co., Senate Resolution No. 3.. | 12 50 |
| Mooney & Baine, repairing gas tubes in the Senate..... | 3 90 |
| Jno Kidd & J. H. Fall..... | 17 00 |
| Goodman & Weakley, Senate Joint Resolution No. 10..... | 128 00 |
| A. G. Rhodes, House Resolution No. 13..... | 66 00 |
| J. P. Hickman, inauguration expenses..... | 47 90 |

| | |
|--|---------|
| To J. P. Hickman, Sergeant-at-Arms, for the services indicated, to wit: Three days extra services in arranging Senate Chamber..... | \$12 00 |
| Two days extra services in putting away Senate furniture, under Senate Resolution No. 12..... | 8 00 |
| Buggy for serving subpoenas in case of Burns vs. Woodcock | 3 00 |
| To Ike Oldham, six days, first recess..... | 18 00 |
| To Forb Keeble, five days, first recess..... | 15 00 |
| To Forb Keeble, five days, second recess | 15 00 |
| To washing towels..... | 6 00 |

J. and E. A.
Kirwin.

SEC. 10. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer in favor of John and E. A. Kirwin, for \$360 each for services as porters of the water-closets of the Capitol from January 1 to April 7, 1889.

S. G. Har-
worth.

SEC. 11. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer in favor of S. G. Harworth, deputy sheriff of Jefferson County for twenty-eight dollars and seventy cents (\$28.70), for expenses and legal fees for returning absconding convict from the State of Virginia.

John Allison.

SEC. 12. *Be it further enacted*, That the Comptroller draw his warrant on the Treasurer in favor of John Allison, Ex-secretary of State, for thirteen hundred and thirty-eight dollars (\$1,338), for services rendered in commissioning Justices of the Peace, Notaries Public, indexing and recording same.

Ex-Gov. Sevier.

SEC. 13. *Be it further enacted*, That the Comptroller draw his warrant on the Treasurer in favor of the committee named in Senate Joint Resolution No. 20, to have the remains of Ex-gov. John Sevier removed from the State of Alabama to the State of Tennessee, for the sum of five hundred dollars, when said committee shall have performed their duties and closed their labors, as directed by said resolution.

Board of In-
spectors of
Penitentiary.

SEC. 14. *Be it further enacted*, That the Comptroller draw his warrant on the Treasurer for two hundred dollars (\$200) in favor of the Board of Inspectors of the Penitentiary for the purpose of purchasing Bibles and Christian literature for the convicts.

Committees.

SEC. 15. *Be it further enacted*, That the Comptroller draw his warrant on the Treasurer in favor of the members of the Penitentiary Committee, Charitable

Institutions, and Education, who were authorized to sit during the recess.

PENITENTIARY COMMITTEE.

Penitentiary committee.

From the Senate.

| | |
|-------------------------------|---------|
| J. W. Sparks, six days..... | \$24 00 |
| H. C. Jarvis, six days | 24 00 |
| C. J. Moody, six days..... | 24 00 |
| D. R. Nelson, six days..... | 24 00 |
| J. D. Sensing, six days | 24 00 |

House Committee.

| | |
|--------------------------------|---------|
| R. K. Polk, six days..... | \$24 00 |
| Jas. H. Cummins, six days..... | 24 00 |
| R. A. Odum, 6 days..... | 24 00 |
| H. E. Palmer, six days | 24 00 |
| A. E. Smith, six days..... | 24 00 |
| C. H. Stephens, six days..... | 24 00 |
| J. W. Stone, six days..... | 24 00 |

CHARITABLE INSTITUTIONS.

Charitable institutions.

On Part of the Senate.

| | |
|-------------------------------|---------|
| B. F. Hall, ten days | \$40 00 |
| J. T. Barnhill, ten days..... | 40 00 |
| C. R. Berry, ten days..... | 40 00 |
| J. M. Crews, ten days..... | 40 00 |
| P. W. Carter, ten days..... | 40 00 |
| M. T. Fouts, ten days..... | 40 00 |
| E. T. Mynatt, ten days..... | 40 00 |
| J. R. Penland, ten days..... | 40 00 |
| J. A. West, ten days..... | 40 00 |

On Part of House.

| | |
|--------------------------------|---------|
| J. P. Buchanan, ten days..... | \$40 00 |
| D. G. Godwin, ten pays..... | 40 00 |
| J. E. Jones, ten days..... | 40 00 |
| T. W. Johnson, ten days..... | 40 00 |
| L. D. Hill, ten days | 40 00 |
| Jo. Harris, five days | 20 00 |
| R. T. Dearmond, five days..... | 20 00 |

COMMITTEE ON EDUCATION.

Committee on education.

From the Senate.

| | |
|-------------------------------|---------|
| John C. Myers, ten days..... | \$40 00 |
| J. E. McCorkle, ten days..... | 40 00 |

From the House.

| | |
|--------------------------------|---------|
| W. C. Dismukes, ten days | \$40 00 |
| J. B. Carson, ten days..... | 40 00 |
| B. M. Mace, ten days..... | 40 00 |
| Lee Jacobs, ten days..... | 40 00 |
| Dr. Gault, ten days..... | 40 00 |

Sergeants at
arms.

SERGEANTS AT ARMS.

| | |
|--|---------|
| John P. Hickman, six days..... | \$24 00 |
| W. R. Loveday, witness one day before Com- mittee on Charitable Institutions..... | 3 40 |

Comptroller's
warrants.

SEC. 16. *Be it further enacted*, That the Comptroller draw his warrant on the Treasurer in favor of the following parties for the reasons set opposite their names, and for the amounts mentioned :

| | |
|---|----------|
| Rev. C. D. Elliott, short prayers..... | \$200 00 |
| Marshall & Bruce, for printing 2,000 copies Commissioner of Agr. Report, H. R. 28... | 150 00 |
| Joint Committee to destroy plates, and other purposes—Joint R. 28..... | 240 00 |
| Electric light..... | 7 00 |
| Washing towels | 10 00 |
| Water rent for Capitol, H. R..... | 437 50 |
| Under House Resolution 67— | |
| Jungerman & Co..... | 6 28 |
| W. M. Cook..... | 31 50 |
| J. H. Fall & Co..... | 2 50 |
| Phillips, Buttorff & Co..... | 14 90 |
| William Fleige | 4 50 |
| John Duff..... | 1 25 |
| Lebeck Bros..... | 1 46 |
| Under House Resolution 66— | |
| Page & Sims..... | 50 |
| A. G. Rhodes & Co..... | 15 00 |
| John Duff..... | 1 80 |
| Bradford Nichol..... | 20 00 |
| P. H. Timothy & Co..... | 7 50 |
| American for chandelier advertisement..... | 8 40 |

Finlay &
Peters.

SEC. 17. *Be it further enacted*, That the Comptroller is hereby directed to issue his warrant on the Treasurer in favor of Finlay & Peters for one thousand dollars for services as attorneys in case of W. A. Williamson vs. State of Tennessee.

SEC. 18. *Be it further enacted*, That the Comptroller is hereby directed to issue his warrant on the Treasurer in favor of the following parties for the amount set opposite to their names for guarding prisoners in Putnam County jail in October, 1876:

| | |
|---------------------|---------|
| J. C. Bockman | \$24 00 |
| B. F. Thaxton..... | 11 00 |
| Laurence Horn..... | 12 00 |
| Ben Traywick..... | 2 00 |
| <hr/> | |
| Total | \$49 00 |

SEC. 19. *Be it further enacted*, That the Principal Clerk of the House be directed to remain a sufficient time after the adjournment of the General Assembly to file properly the papers of the House with the Secretary of State, to recopy the Journals of the House for the public printer, reading proof, superintending the printing of the Journals of the House and making the index to the same, for which the sum of twelve hundred dollars is hereby appropriated, and for such services the Comptroller be and he is hereby directed to issue his warrant on the Treasurer for said sum in favor of said Clerk; and that the Assistant Clerk shall remain and assist the Clerk in recopying the House Journals, and for such services he shall be allowed four hundred and fifty dollars, and that the Comptroller be directed to draw his warrant on the Treasurer when said Clerk shall have completed said work.

SEC. 20. *Be it further enacted*, That the Comptroller is hereby directed to issue his warrant on the Treasurer in favor of the following parties for the amounts opposite their names, the same being costs of taking proof in Ooltewah & Savannah Turnpike Company case:

| | |
|---|--------|
| J. A. Green, Sheriff of James County..... | \$3 75 |
| A. Shelton, Sheriff Hamilton County.. .. | 1 75 |
| J. H. Roddy, witness, \$3.00; mileage, \$6.64 | 9 64 |
| G. O. Oate, witness, \$3.00; milage, \$6.64..... | 9 64 |
| W. A. Fitzgerald, witness, \$3.00; mileage, \$6.64. | 9 64 |
| W. O. Thatcher, witness, \$3.00; mileage, \$6.04. | 9 04 |
| Telegraphing | 2 49 |

State militia. SEC. 21. *Be it further enacted*, That the sum of \$1,000 per annum is hereby appropriated for the support, maintenance, and better organization of the State Militia, the same or so much thereof as may be necessary to be expended upon the accounts being approved by the Governor, and the Comptroller is hereby directed to draw his warrant upon the Treasurer for such amounts as the Governor may approve and direct, and the Adjutant-General shall make an itemized statement of amount expended to the next General Assembly.

Tennessee Industrial School. SEC. 22. *Be it further enacted*, That the sum of \$6,000 is hereby appropriated for the purpose of paying for improvements, buildings, barns, and out-houses, purchase tools, machinery, farming implements, seeds and plants, also wagon and team, for the use and benefit of the Tennessee Industrial School. The work on barns and buildings to be done as far as possible by the inmates of the Institution.

Per capita. SEC. 23. *Be it further enacted*, That the sum of fifty dollars per capita per annum is hereby appropriated for each scholar of the Tennessee Industrial School now in said Institution, or that may be admitted hereafter under the pro rata allowed to each county, and no more; *provided*, that if more scholars are admitted than is allowed by said pro rata than the whole amount of such scholarship, shall be paid by the county sending them, or by any person or persons sending them.

Comptroller's warrant to Industrial School. SEC. 24. *Be it further enacted*, That the Comptroller is hereby authorized and directed to issue his warrant to the Superintendent of the Tennessee Industrial School quarterly, upon the order of the Treasurer and Executive Committee, for such amounts as may become due in carrying out the provisions of the two preceding sections of this Act.

W. D. Cannon. SEC. 25. *Be it further enacted*, That the Comptroller is hereby directed to draw his warrant on the Treasurer in favor of W. D. Cannon, Ex-sheriff of Shelby County, for the sum of \$112.95, in full of expenses incurred in pursuit of Al McMahon, murderer, upon Governor's requisition.

J. H. Stafford and M. B. Young. SEC. 26. *Be it further enacted*, That the Comptroller is hereby directed to draw his warrant on the Treasurer in favor of J. H. Stafford, County Trustee of Jackson County, for any amount which may be found

due Jackson County on settlement with the Comptroller for moneys belonging to the county paid into the State Treasury erroneously by M. B. Young, Back Tax Collector, not exceeding \$705, as per Senate Joint Resolution No. 26.

SEC. 27. *Be it further enacted*, That the Comptroller is hereby directed to draw his warrant on the Treasurer for \$495, to pay for postage stamps furnished the members of the House under House Resolution No. 15. Postage stamps.

SEC. 28. *Be it further enacted*, That the Comptroller is hereby directed to draw his warrant on the Treasurer in favor of R. T. Quarles, Superintendent of Capitol, for \$40, or so much thereof as may be necessary to purchase one United States flag, as provided in House Joint Resolution No. 46. U. flag.

SEC. 29. *Be it further enacted*, That the Comptroller is hereby directed to draw his warrant on the Treasurer in favor of the following parties for the amounts set opposite their names, and for the purposes mentioned: Comptroller's warrant.

| | |
|--|---------|
| For putting in gas trap, H. R. 108..... | \$50 00 |
| W. F. Overstreet, repairing desks, H. R. 27.... | 9 40 |
| R. T. Quarles, for moving chandelier in House of Representatives, or so much thereof as may be necessary | 50 00 |
| To pay hack hire to Hermitage..... | 12 00 |

Passed April 6, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 8, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 98.

AN ACT to change the times for holding the Circuit Courts of Robertson County, in the Tenth Judicial Circuit, and to amend Section 4, Chapter 20, of the Acts of the Extraordinary Session of the General Assembly of the State of Tennessee, passed June 11, 1885, and approved June 12, 1885, and entitled "An Act to divide the State of Tennessee into Judicial Circuits and Chancery Divisions, and provide for the administration of justice and equity in the Circuit and Chancery, and other inferior courts of the State, and fix the time for holding the terms of said Chancery, Circuit, and other courts."

Relative to the
Circuit Courts
of Robertson
County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 4 of Chapter 20, of the Acts of the General Assembly of the State of Tennessee, passed at the Extraordinary Session June 11, 1885, and approved June 12, 1885, be and the same is hereby amended so as to read as follows: The Circuit Courts shall be held in and for the county of Robertson, on the fourth (4) Monday in January, the first (1) Monday in June, and the fourth (4) Monday in September of each year.

Repeal of con-
flicting laws.

SEC. 2. *Be it further enacted*, That all laws or parts of laws in conflict with this Act are hereby repealed.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 16, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 20, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 99.

AN ACT for the relief of R. D. Smith, W. A. Smith, F. H. Smith, Carrie E. Smith, L. M. Hosea, and Fanny P. Hosea.

WHEREAS, By an Act of the General Assembly of the State of Tennessee, passed February 11, 1858, F. G. Smith was granted for the "Columbia Athenæum," an institution for the purpose of educating young ladies in the town of Columbia, Tennessee, and by the ninth section of said Act the grounds, etc., appropriated for the use of said Athenæum were exempted from taxation, State, county, and corporation, whilst the same are employed for educational purposes. Preamble.

WHEREAS, Said charter was accepted by said F. G. Smith in good faith, and the school has been working under it for thirty-one years, and the property employed entirely for educational purposes; and,

WHEREAS, Said charter, on account of informality, has been held to be invalid by the court without any fault on the part of said Smith or the school; and,

WHEREAS, It is just and right that the State of Tennessee should keep her faith to the citizens as well as the citizen to the State; and,

WHEREAS, The State of Tennessee recovered a judgment in the Supreme Court at Nashville on the 13th February, 1888, for the sum of one hundred and eighty dollars (\$180), the amount for State taxes due on said property for the years 1883, 1884, and 1885, and twenty dollars and seventy cents interest thereon from the first day of March, 1886, amounting to two hundred dollars and seventy cents principal and interest against R. D. Smith, W. A. Smith, F. H. Smith, Carrie E. Smith, and L. M. Hosea and wife, Fanny P. Hosea, to whom said property descended upon the death of said F. G. Smith; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all taxes of every kind and description whatsoever heretofore charged against, or assessed, or levied upon or against said Athenæum property, situate in the Second ward, in Columbia, Tennessee, and on the Seventh and Ninth streets of said town, and used and employed for edu- Columbia Athenæum.

cational purposes, are hereby released and relinquished until January 1, 1889, and particularly the above described judgment in Supreme Court at Nashville; *provided*, the provisions of this Act shall in no wise be construed as a release of the lien the attorney who may have recovered said judgment may have on said judgment for his services in recovering the same; and, *provided further*, that the provisions of this Act shall not be construed as a release of any taxes due the city of Columbia and the county of Maury until consented to by the Mayor and Aldermen of said city and the County Court of said county.

SEC. 2. *Be it further enacted*, That this Act take effect and be in force from and after its passage, the public welfare requiring it.

Passed March 18, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 20, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 100.

AN ACT to provide for the establishment of Water-works in the town of Pulaski.

Pulaski water-works.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Board of Mayor and Aldermen of the town of Pulaski be and are hereby authorized to provide for a system of water-works within the corporate limits of said town, and for that purpose said Board may contract an indebtedness against said corporation, or lend the credit of said

corporation to an amount not exceeding thirty thousand dollars (\$30,000), and to issue interest bearing bonds for the same, made payable on such time as said Board may see proper to make the same, so that said bonds do not run longer than thirty years, and that said Board shall, for the purpose of paying the interest on said bonds and of creating a sinking fund to liquidate said bonds, have the power to levy and collect a special tax on property and privileges subject to taxation in said corporation each year, not to exceed thirty-five cents on each one hundred dollars worth of taxable property in said corporation, and not to exceed the tax on privileges levied for general purposes of said corporation.

SEC. 2. *Be it further enacted*, That before the credit of said corporation shall be loaned as provided for in Section 1 of this Act, said Board shall submit the question of lending the credit of said corporation to the qualified voters of said corporation at either a general or special election to be held for that purpose, which election may be ordered by said Board at any time, so that legal notice of the same be given prior to such election; and the voters favoring said question shall have printed on their tickets, "Water-works," and those opposing the same shall have printed on their tickets, "No Water-works," and it shall require three-fourths of the votes cast at said election to carry said election and to authorize the said Board to so lend the credit of said corporation as provided for in Section 1 of this Act. Election for
water-works.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 18, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 20, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 101.

AN ACT to extend the corporate limits of the city of Nashville.

Corporate line
extended.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the corporate line of the City of Nashville be so extended to the north of Jefferson Street to Madison Street, and to the west of lot No. 142 of the D. T. McGavock plan of lots, as registered in book No. 10, pages 608 and 609, Register's Office of Davidson County, so as to include in the corporate limits of the city of Nashville lots Nos. 143 and 144 of said D. T. McGavock's plan, fronting upon the north side of Jefferson Street two hundred feet.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed March 18, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 20, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 102.

AN ACT allowing any corporation created by the laws of Tennessee to increase the value of its shares.

Value of shares
of stock.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That any corporation hereafter created, or hereafter to be created under the laws of

the State of Tennessee, may make a share of stock one hundred dollars, or less, and issue certificate therefor.

SEC. 2. *Be it further enacted*, That any such corporation which has heretofore issued shares of stock for twenty-five dollars, may call in the same, and combine four such shares and issue a certificate for one hundred dollars in lieu. May call in and combine.

Passed March 19, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 20, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 108.

AN ACT to amend the Act of 1881, Chapter 67, Pamphlet Acts, page 79, entitled "An Act to amend the mechanics' lien law, and to afford mechanics and material men greater security for their work and material." Said Act passed April 2, 1881, approved by the Governor April 4, 1881.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 2 of the Act of the Legislature of 1881, Chapter 67, above referred to in this caption, shall be amended so as to read as follows, viz.: Every journeyman, or other person, employed by such mechanic, founder, or machinist, to work on the buildings, fixtures, machinery, or improvements, or to furnish material for the same, shall have this lien for his work or material; *provided*, that within thirty days after the building is completed, or the contract of such laborer, mechanic, or workman, shall expire, or he be discharged, he or they shall Lien for work or material.

notify, in writing, the owner of the property on which the building or improvement is being made, or his agent, or attorney, if he reside out of the county that said lien is claimed, and said lien shall continue for the space of ninety days from the date of said notice in favor of such sub-contractor, mechanic, or laborer, and the same shall have precedence over all other liens for such time; *provided*, a statement of the amount due for such work, labor, or materials, shall be filed with the County Register, who shall note the same for registration, and put it on record in the trust book in his office, for which he shall have fifty cents, and also twenty-five cents for registering the affidavit to the same, which shall be paid by the party filing the same, but said fee shall be receipted for on the statement of account, and shall be charged as part of the cost, and this registration shall be notice to all persons of the existence of such lien.

Right to re-
move work or
material.

SEC. 2. *Be it further enacted*, That Section 1, of the Act of the Legislature of 1881, Chapter 67, above referred to in the caption of this Act, shall be amended so as to provide that if the work or improvement or materials be furnished for work done on the lands of any married woman, who has not signed the contract or agreement in writing, as provided in said Section 1 of the said Act of 1881, Chapter 67, and in ignorance on the part of said mechanic, laborer, or furnisher, of her right or claim, and if said married woman shall refuse to recognize or agree to said lien, said mechanic, laborer, or furnisher, shall have the right, after giving ten days' notice, to take and remove such property, or the parts of the same on which his labor was performed, or materials, machinery, or other property was used; and, *provided further*, the right of removal shall apply to all other cases of parties under disability, whether as minors, persons of unsound mind, or *cestui que trusts* or in other cases of superior titles or liens, when the work was done by the laborer or mechanic in ignorance of the rights of such parties, and said right of removal shall be extended to any repairs or improvements ordered by the tenant or occupier, when the owner of the leased or rented premises declines to pay therefor, the same to be removed without injury to the property originally leased or rented; *provided*, that the courts of law or equity in this State shall have jurisdiction to hear

and determine, and to enforce such liens on the property of persons in the cases aforesaid, care being had to protect the rights of such parties as well as mechanics, laborers, and furnishers aforesaid.

SEC. 3. *Be it further enacted*, That the owner of the property on which the improvement is made shall have the right to demand from the original contractor an indemnity, or refunding bond, to protect him in cases of the enforcement of this lien by such sub-contractors, mechanics, or furnishers, and in the event such contractor is paid for the work done, or any part of it covered by the foregoing sections, and on payment to such sub-contractors, mechanic, or furnisher, of the amount due, he shall have judgment for such amount by motion on such bond in any court having jurisdiction in such cases; *provined*, that the contractor shall have the right to contest the legality of the claim of such mechanics, or furnishers, employed by him before he is made liable.

Rights of the
owner.

SEC. 4. *Be it further enacted*, That all laws in conflict with this Act are hereby repealed.

Passed March 19, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 22, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 104.

AN ACT to amend Chapter 84 of the Acts of 1879, and the Acts amendatory thereof, fixing privileges and privilege taxes of the Taxing District of Shelby County.

Amending
privilege taxes
of Shelby
County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 7 of Chapter 84 of the Acts of 1879 be and the same is hereby amended in the respect following, viz :

To Subsection 12 add, "The license not to include dealing in seed or lint cotton." Subsection 16 is amended by adding, "And upon every person engaged in procuring for, or furnishing to others, for a compensation, railroad, levee, or farm labor, ten dollars (\$10) per month." Subsection 17, and the Act amendatory thereof, being Chapter 96, Section 9 of the Acts of 1881, is amended to read: Every person or firm dealing in cotton or any other article whatever, whether as factor, broker, buyer, or seller on commission or otherwise, fifty dollars (\$50) per annum. Subsections 20, 21, and 22 of said original Act are amended so as to fix a tax on pleasure vehicles, for a one horse two wheel vehicle annually, \$2; for a one horse four wheel vehicle annually, \$3; for a two horse four wheel vehicle annually, \$5; on carts, drays, wagons, and other vehicles drawn by one horse, or other vehicles drawn by one horse, \$1 per annum, if the tire be $3\frac{1}{2}$ inches or more in width, and \$5 per annum if it be of less width; drawn by two horses, \$2 per annum if the tire be of $3\frac{1}{2}$ inches or more in width; and \$7.50 per annum if of less width, drawn by three or more horses, \$3 per annum if the tire be $3\frac{1}{2}$ inches or more in width, and \$10 per annum if it be of less width. Subsection 39 of said original Act is amended to read: Upon the privilege of doing business as a stock, note, or money broker, \$250 per annum. To Subsection 58 of said original Act, add "for each mill." Subsection 67 incorporated into said original Act by the amending Act of 1883, Chapter 10, Section 11 is amended to read: "Each press belonging to a compress company, \$100 per annum." Subsection 68 incorporated into the original Act by the amending Act last aforesaid is amended to read: "Cotton pickeries \$50, and all persons other than cotton pickeries, buying loose, lint,

or seed cotton from others than regular licensed cotton factors, \$100 per annum." Subsection 86 incorporated into the original Act by the amending Act last aforesaid is amended by adding "when music or other device to attract crowds is used, one hundred dollars (\$100) per quarter. Subsection 87 incorporated into the original Act by the amending Act last aforesaid, is amended by substituting \$25 for \$10.

SEC. 2. *Be it further enacted*, That the following be and are hereby declared taxable privileges in said district, and taxed in the amounts following, viz: Taxable privileges.

1. Solicitors of orders for the enlargement of pictures or for photographs or crayon pictures, \$10 per quarter of three months.

2. Electric Light Companies, \$100 per annum.

3. Pawn-brokers, \$100 per annum.

4. Dealers in lightning rods, other than regular licensed houses, \$15 per annum.

5. Manufacturers of chewing gum, \$15 per annum.

6. Wagon manufacturers where steam is used, \$50 per annum; when no steam is used, \$10 per annum.

7. On the privilege of banking, \$1 on every \$1,000 of paid in capital, but in no case less than \$50 annually, and that the foregoing be added to and incorporated into Section 7 of the original Act aforesaid as Subsections 99 to 108, inclusive.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 19, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 23, 1889.

ROBT. L. TAYLOR,
Governor. ●

CHAPTER 105.

AN ACT to allow the next friend of infants to prosecute suits in
forma pauperis.

Next friend of
infant may
prosecute.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That all persons acting as the next friend of any infant in this State may prosecute suits for such infants in forma pauperis upon taking and subscribing to an oath that the infant, in whose behalf the action is begun, is not able and has not sufficient property to bear the expenses of the action about to be commenced, and that such infant is justly entitled to the relief sought, to the best of his belief.*

SEC. 2. *Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.*

Passed March 20, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 23, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 106.

AN ACT to change the county line between Jefferson and Sevier
Counties.

Change of
county line.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That the county line between the counties of Jefferson and Sevier be and the*

same is hereby changed so as to include in Sevier County all the land of S. A. Sims, and also to include in said county of Sevier all the land of Benjamin Manning.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage.

Passed March 20, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 23, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 107.

AN ACT to amend the school law, and to make women eligible for the position of County Superintendent of Education.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in the election of County ^{Women} Superintendents of Education, women of the age of 21 years, and otherwise possessing the necessary qualifications, shall be eligible for said position. ^{eligible.}

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 22, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 26, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 108.

AN ACT to change the line between the Counties of Crockett and Dyer.

Change of
county line.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the Counties of Crockett and Dyer be and the same is hereby so changed as to include the lands of J. W. Bell, Mrs. Churchman, and R. K. Harwell within the limits of Dyer County.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 22, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 26, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 109.

AN ACT to change the county line between Jackson and Putnam Counties.

Change of
county line.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county line between the counties of Jackson and Putnam be changed as follows: That all the lands of T. L. Maddux be detached from Putnam and attached to Jackson County; and that part of the lands of R. L. Maddux and T. J. Lee that lies in Jackson be attached to Putnam

County; and that part of the lands of J. P. Whitefield that lies in Putnam be attached to Jackson County.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 22, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 26, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 110.

AN ACT to transfer C. S. Campbell, a citizen of Cannon County, and the farm upon which he lives, from the County of Cannon, and attach him as a citizen and tax payer to the County of Warren.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That C. S. Campbell, now a ^{Change of county line.} citizen of Cannon County, together with the farm upon which he now lives, be transferred from the County of Cannon, and that he be attached as a citizen and tax payer to the County of Warren.

SEC. 2. *Be it further enacted*, That this Act take ^{Taxes not affected.} effect from and after its passage, the public welfare requiring it, but not affect taxes due the County of Cannon.

Passed March 22, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 26, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 111.

AN ACT to detach the lands of B. F. Hall from Cannon County and attach the same to DeKalb County.

Change of
county line.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the lands of B. F. Hall, lying in Cannon County, Tennessee, be detached from said county and attached to DeKalb County.

Conflicting
laws repealed.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed March 22, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 26, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 112.

AN ACT to change the line between the counties of Bedford and Marshall.

Change of
county line.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the counties of Bedford and Marshall be so changed as to include all the land of Racine England in the county of Bedford.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 22, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 26, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 113.

AN ACT to change the line between the counties of White and Putnam.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the counties of White and Putnam be so amended as to include all the lands of Silas and William Howell in White County. ^{Change of county line.}

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 22, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 26, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 114.

AN ACT to repeal Section 2234 and from Section 2238 to Section 2243, inclusive, of Milliken & Vertrees' Code, of the fish law, and Section 1 of Chapter 143, of an Act passed March 19, 1887, so far as they apply to Smith County.

Relative to the
fish law.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 2234, and from Section 2238 to Section 2243 inclusive of Milliken & Vertrees' Code, of the fish law, and Section 1 of Chapter 143 of an Act passed March 19, 1887, be and they are hereby repealed; *provided*, that it shall be unlawful for any explosive or poisonous substance to be used in taking fish, and that it shall be lawful to fish with a seine at any time of the year in said county of Smith.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 22, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 26, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 115.

AN ACT to change the line between the Counties of Cumberland and Morgan so as to embrace all the lands of Solomon Norris, Thomas Norris, and Daniel Hall, now in Cumberland, in Morgan County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That the line between the Counties of Cumberland and Morgan is hereby so changed as to embrace in the County of Morgan all the lands owned by Solomon Norris, Thomas Norris, and Daniel Hall, of the County of Cumberland. This change of said line between said counties of Cumberland and Morgan to begin at a point on said county line on Big Clear Creek at or near the mouth of Elizabeth Hall's spring branch, and thence running up said Big Clear Creek to the Fentress County line.*

SEC. 2. *Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.*

Passed March 22, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 26, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 116.

AN ACT to change the line between the counties of Overton and Putnam.

Change of
county line.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the counties of Overton and Putnam be so changed as to include the lands of Sampson Bartlett in Putnam County.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 22, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 26, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 117.

AN ACT to change the time for holding the Circuit Court for Grainger and Hamblen Counties in the Second Judicial Circuit, and to amend Section 4 of Chapter 20 of the Acts of the Extraordinary Session of the General Assembly of the State of Tennessee, passed June 11, 1885, and approved June 12, 1885, and entitled An Act to divide the State of Tennessee into Judicial Circuits and Chancery Divisions, and provide for the administration of justice, and to fix the time of holding the terms of said Circuit, Chancery, and other Courts.

Act of 1885
amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 4 of Chapter 20 of the Acts of the General Assembly of the State of

the State of Tennessee, passed at the Extraordinary Session June 11, 1885, and approved June 12, 1885, be and the same is hereby amended so as to read as follows :

The Circuit Courts shall be held in and for the Counties of Grainger and Hamblen, and for Grainger County the first Mondays of April, August, and December, and for Hamblen the fourth Mondays of April, August, and December of each year.

SEC. 2. *Be it further enacted*, That hereafter all bonds shall be taken and all process be made return-^{Returns.}able to said county at the times fixed in this Act for holding the same, and all bonds and recognizances taken at or after the last term of said Court, or held under the existing laws of this State, and all process issued or bonds taken after that time, viz.: The last terms of said Courts, shall be made returnable to the next first term of said Court to be held under the provisions of this Act, and the same shall be held to be valid and binding in law.

SEC. 3. *Be it further enacted*, That all Acts or parts of Acts of the General Assembly of the State of Tennessee in conflict with the provisions of this Act be and the same are hereby repealed.^{Conflicting laws repealed.}

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 22, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 26, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 118.

AN ACT to change the county line between Trousdale and Sumner and Trousdale and Macon County.

Change of
county line.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That all the land or lands of one Green Williams, whose land or lands is partly in Macon, Sumner, and Trousdale, is hereby transferred to the county of Trousdale, and that said Trousdale County shall order her County Surveyor, after giving notice to said two counties, to run and establish the line of Trousdale County so as to take in all of said Green Williams' land, and that the surveyor or commissioners that have or may be appointed shall run said line.*

Passed March 22, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 26, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 119.

AN ACT to compel corporations and syndicates operating railroads to erect suitable crossings on public highways and keep the same in repair.

To make
crossings.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That all persons, companies, corporations, or syndicates, owning or operating a railroad or railroads in the State of Tennessee, be re-*

quired to make and furnish good and sufficient crossings on the public highways crossed by them, and keep same in lawful repair at their own expense.

SEC. 2. *Be it further enacted*, That a failure to observe and fully comply with the provisions of the first section of this Act shall subject the offender to a fine of not less than ten nor more than one hundred dollars, and the grand juries of the State shall have inquisitorial powers to investigate any violations of the provisions of this Act, as now allowed by law in other misdemeanors; *provided*, that this Act shall not apply to crossings within the corporate limits of towns or cities. Subject to fine;
inquisitorial
powers of
grand juries.

SEC. 3. *Be it further enacted*, That this Act take effect thirty days after its passage, and that all laws and parts of laws in conflict with the provisions of this Act are hereby repealed. Conflicting
laws repealed.

Passed March 15, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 21, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 120.

AN ACT to amend "An Act to provide for the organization of Corporations," Chapter 76 of the Act of 1877, passed March 26, 1877.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That any turnpike corporations organized under said Act (Chapter 76, Acts of the General Assembly, 1877), may designate and establish any toll-gate house on its road as its principal office, and any turnpike company organized under Principal office.

said Act, which may have fixed or established its main office at any other or different place, may secure the benefits of this Act, and change its principal office by amending its charter, so as to designate the particular toll-house selected as its said office, and such amendment shall be applied for and obtained by any five of the directors signing a memorandum in writing, and acknowledging the same before the County Court of any county in which any part of its property may be situated, and having the same recorded in the Register's office in which the original charter is recorded, and filed and recorded in the office of the Secretary of State.

Passed March 18, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 21, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 121.

AN ACT to amend an Act entitled "An Act to reduce the Acts incorporating the city of Knoxville and the various amendments thereto, to one Act, and to amend the same, passed and approved June 10, 1885, by conferring the power to collect all taxes."

Property and
poll tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all property, real, personal, and mixed, subject to State and county taxes, and all persons liable for a poll tax when the same shall have become duly assessed for taxation, as now or may hereafter be provided by law, by the Assessor or Assessors directed to be appointed or elected under

the general laws of the State, shall be the basis upon which property shall be taxed and collected by the Board of Mayor and Aldermen of the city of Knoxville, Tennessee, for municipal purposes, as hereinafter provided.

SEC. 2. *Be it further enacted*, That as soon as practicable after said assessment books are complete (which shall be after the Board of Equalization provided for by the State law shall have finished the duties assigned to it in the equalization of taxes), it shall be the duty of the County Court Clerk of Knox County, from the said assessment books in his possession, to make out and deliver to the Tax Collector herein provided, to be elected by the Board of Mayor and Aldermen of said city of Knoxville, a tax book, such as required by law, to be made out by him for the Trustee of the county, embracing, however, only such properties and persons as are liable for city taxes. Such tax books shall be furnished the County Court Clerk by the city of Knoxville, and shall be returned by him properly made out as above provided, at all events not later than the 1st day of August of the year for which said property is assessed, including the year 1889.

County Clerk
to make out
tax book.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Board of Mayor and Aldermen of the city of Knoxville, at its first regular meeting in July, 1889, and thereafter, at its first meeting, for the election of officers, after the biennial election of Mayor and Aldermen for said city, to proceed to elect a City Tax Collector, who shall be elected in the same manner as now provided by the charter of the city of Knoxville, for the election of all other city officials by the Board, and whose term of office shall be for two years, or during the pleasure of the Board, or until his successor is elected and qualified, except the Tax Collector elected in July, 1889, whose term of office shall expire at the first meeting of the new Board of Mayor and Alderman in January, 1890.

Mayor and
aldermen to
elect tax
collector.

SEC. 4. *Be it further enacted*, That it shall be the duty of said city Tax Collector, before entering upon the discharge of his official duties, to take the oath prescribed by the charter of the city of Knoxville, to be administered to all other city officials, and to enter into bond with not less than two good and sufficient

Oath of tax
collector.

securities in the penal sum of one hundred and fifty thousand dollars (\$150,000) for the faithful performance of his duties, and to account for and pay over to the Treasurer of the city of Knoxville, Tennessee, all taxes or other moneys collected by him. It shall be the duty of the Tax Collector to make settlements with the Treasurer or other city officials that may be appointed for the purpose of auditing his accounts at such periods as may be prescribed by the ordinances of the city. Said Tax Collector shall receive as compensation for his services the sum of fifteen hundred dollars per annum; *provided*, that the Board of Mayor and Aldermen shall consolidate the office of Tax Collector and city book-keeper.

Taxes payable
August 1st.

SEC. 5. *Be it further enacted*, That all taxes due the city of Knoxville, real, personal, and mixed, appearing upon the tax book furnished the Tax Collector as above provided, shall be due and payable on the first day of August for each and every year for which the taxes are assessed, and shall bear interest from and after the first day of September thereafter at the rate of six per cent. per annum. Taxes and privileges due the city of Knoxville shall be paid to said City Tax Collector. Said Tax Collector shall have power to issue distress warrants and alias and plures warrants in the name of the Board of Mayor and Aldermen of the city of Knoxville, Tennessee, to enforce collections; the same may be executed by a city marshal, chief of police, or any constable or sheriff, and be made returnable at such time as may be fixed by the ordinances of the city. Any officer collecting said taxes under a distress warrant shall be entitled to collect a fee of twenty-five cents, and four per cent. commission in addition to the tax and interest (the same is collected by the Sheriff and Constables), provided property omitted from the assessment list by the regular Assessor may be assessed by the Collector in office for a period running back not longer than three years. Assessed taxes on realty shall remain a lien on the property assessed until the same are paid. Such lien, after a return of *nulla bona* on a distress warrant, to be enforced as other liens. Collectors shall not make sales of realty and certify the same to the Circuit Court, but unpaid taxes, after a return of *nulla bona*, shall be collected either by suit at law or in equity.

SEC. 6. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 18, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 21, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 122.

AN ACT to provide for the organization of corporations for raising and dealing in poultry and eggs, and to amend an Act passed March 19, 1875.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That any five or more persons over twenty-one years of age shall have the privilege of obtaining a charter of incorporation for the purpose of raising and dealing in poultry and eggs. May be incorporated.

SEC. 2. *Be it further enacted*, That the form of a charter for a corporation under the provisions of this Act shall be as follows: Form of charter.

STATE OF TENNESSEE—CHARTER OF INCORPORATION.

Be it known that (here insert the names of five or more persons not under twenty-one years of age), are hereby constituted a body politic and corporate by the name and style of (here insert the name of company). The general powers, etc., of said corporation are (here insert sections 1704 and 1705 of the Code of Tennessee of 1884, compiled by Milliken & Vertrees).

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed March 15, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 21, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 123.

AN ACT to amend an Act entitled "An Act to provide for the organization of corporations," passed March 19, 1875.

Act of 1875
amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Act entitled "An Act to provide for the organization of corporations," passed March 19, 1875, be so amended that any five or more persons may apply for and obtain a charter for a hospital or sanitarium.

Form of
charter.

SEC. 2. *Be it further enacted*, That the form of said charter shall be as follows:

STATE OF TENNESSEE, CHARTER OF INCORPORATION.

Be it known that (here insert the names of five or more persons not under twenty-one years of age) are hereby constituted a body politic and corporate by the name and style (here insert the name of the corporation), for the purpose of organizing, equipping, and operating a Hospital (or Sanitarium). The general powers, provisions, and restrictions applicable to said Corporation are (here set forth powers as set forth in Section 5). Said Corporation shall have the power to contract or lease such buildings, and pur-

chase or lease such real estate as may be suitable for its purposes.

The said corporation shall have the right to receive at its Hospital or Sanitarium for medical treatment and advice persons suffering from physical ailments or diseases, except contagious or infectious diseases, and may keep, board and lodge the same, for which they shall have the right to charge and exact reasonable compensation. The said Corporation shall have the power to adopt rules and regulations for the administration of its Hospital or Sanitarium, as may be necessary for proper conduct of its affairs.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 19, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 22, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 124.

AN ACT to change the line between the counties of Knox and Anderson so as to include in the county of Anderson "Holt's Island" in Clinch River.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the counties of Anderson and Knox be so changed as to include in the county of Anderson what is known as "Holt's Island" in Clinch River, now the property of W. C. Kincaid. ^{Change of county line.}

SEC. 6. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 19, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 22, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 125.

AN ACT to amend an Act entitled "An Act to amend an Act entitled An Act to regulate the business of Fire and all other except Life Insurance Companies."

Act of 1887
amended ;
inquisitorial
powers of
grand juries.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an Act passed by the Forty-fifth General Assembly of the State of Tennessee, March 25, 1887, entitled "An Act to amend an Act entitled An Act to regulate the business of Fire and all other except Life Insurance Companies," be and the same is hereby amended as follows: After the word "Act" in the last line of Section 6 of said Act, add the following: *Be it further enacted by the General Assembly of the State of Tennessee*, that inquisitorial power be and the same is hereby given the Grand Juries of this State to inquire into any violation of this Act and present or indict such person or persons violating the same."

Grand juries.

SEC. 2. *Be it further enacted*, That the Judges of the Courts of this State, having proper jurisdiction, give this in charge to the Grand Juries of their respective Courts.

SEC. 3. *Be it further enacted*, That all laws or parts of laws in conflict with this Act are hereby repealed, ^{Conflicting laws repealed.} and that this Act take effect from and after its passage, the public welfare requiring it.

Passed March 19, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 22, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 126.

AN ACT to amend the charter of the town of Johnson City, in the county of Washington, and to embrace all of said charter in one Act.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Johnson City, in the county of Washington, and the inhabitants thereof, be and are hereby constituted a body politic and corporate, under and by the style and name of the Mayor and Aldermen of the town of Johnson City, and shall have perpetual succession; by their corporation name may sue and be sued, plead and be impleaded, grant, receive, purchase and hold real, mixed and personal property, or dispose of the same for the benefit of said town, and may have and use a town seal. ^{Charter amended.}

SEC. 2. *Be it further enacted*, That the corporation aforesaid shall have full power and authority to enact and pass such laws and by-laws to prevent and remove nuisances; to provide for licensing and regulating auctions, taxing, regulating or restraining theatrical or other public amusements, and to restrain ^{Power of corporation.}

and prohibit gambling; to regulate the sale of spiritous liquors; to establish night watches and patrol; to ascertain, when necessary, the boundary and location of streets, lanes, and alleys; to pave and keep in repair the streets and alleys; to pass all laws necessary for the same; to establish the necessary inspections within the town; to enact all necessary laws for the regulation of markets, drays and personal privileges; to provide for the establishment and regulation of fire companies; the sweeping of chimneys and safe condition of flues; to provide water by the digging of wells or otherwise; to establish and regulate pumps, pipes, and sewers; to impose and appropriate fines, penalties and forfeitures for a breach of the by-laws or ordinances; to appoint a Recorder; to levy and collect taxes for the purpose of carrying the necessary measures into operation for the benefit of said town, and to pass all laws and ordinances necessary and proper to carry the intent and meaning of this Act into effect; *provided*, they are not incompatible with the Constitution and by-laws of this State.

Election

SEC. 3. *Be it further enacted*, That the Sheriff of Washington County, after ten days' previous notice, shall, by himself or one of his deputies, hold an election in the town of Johnson City, on the fourth Wednesday in March, 1889, and on the same day of each and every succeeding year, for the purpose of electing seven (7) persons to serve as Aldermen, and one person for Mayor, one other person for Town Constable, and one other person for County Magistrate for the corporation of said town of Johnson City, for one year, except as to Magistrate, who shall serve for six years, commencing the fourth Wednesday in March, 1889, the day of their election, and all persons living within the limits of said corporation, who would be qualified to vote for members of the General Assembly of this State, and persons owning a freehold within the bounds of said corporation, and who are citizens of this State, shall be entitled to vote for Mayor and Aldermen, Town Constable and Magistrate for said corporation, and no person shall be eligible for the office of Mayor, Aldermen, Town Constable or Magistrate, unless he be a citizen or freeholder, or householder in the town of Johnson City, and in case of death, removal, or resignation of

any one of the officers of said corporation, the Mayor and Aldermen shall have power to fill such vacancy for the time unexpired except as to the Magistrate, who shall be elected by the qualified voters.

SEC. 4. *Be it further enacted*, That the persons so qualified as aforesaid, having the highest number of votes at any election held, shall be taken as duly elected, and the Sheriff or his Deputy, holding the election as aforesaid, shall, within three days thereafter, give to each of the seven Aldermen, Mayor, Constable and Magistrate, a certificate of their election, and it shall be the duty of the persons so elected to meet at the Town Hall in Johnson City on the next day after their election is certified, and after having been qualified, the Mayor and Aldermen, four of whom shall constitute a quorum, shall proceed to elect a Recorder for said corporation, for the same time for which the Mayor and Aldermen were elected as aforesaid, and the person or persons appointed or elected by them shall serve until the fourth Wednesday in March succeeding, or until their successor is elected and qualified.

Certificate of election.

SEC. 5. *Be it further enacted*, That the Mayor and Aldermen of said town shall, before entering upon the duties of their office, take an oath before some Justice of the Peace of Washington County to faithfully, uprightly, and honestly demean themselves as Mayor and Aldermen of said corporation during their continuance in office.

Oath of office.

SEC. 6. *Be it further enacted*, That the Constable so elected shall continue in office for twelve months from the time of his election, and before entering upon the duties of his office, give bond with sufficient security in the sum of two thousand dollars, to be approved by the County Court, for the faithful discharge of the duties of his office, and accounting for all moneys by him collected, and corporation taxes collected by him.

Constable's bond.

SEC. 7. *Be it further enacted*, That it shall be the duty of the Recorder to make out and certify to the Constable of said corporation, on or before the first Monday of August in each year, a complete alphabetical list of persons who have failed to pay any taxes due said corporation, showing the amount of taxes due from each person; or when said Recorder has good reasons to believe that any portion of the

Delinquents.

taxes assessed against any person within said corporation may be lost by reason of removal or otherwise, he shall immediately certify the same to the Constable of said corporation, and said certified tax list or lists, in the hands of the Constable, shall have the same force and effect as an execution from a Court of Record, based on a valid judgment of the same, upon any personal property to be found in Washington County belonging to the person owing said taxes, and said Constable is authorized to advertise and sell the same as in case of execution sales. It shall be the duty of said corporation Constable to return to the office of the Recorder, by the first day of November of each year, said tax list, together with a sworn statement showing the amount of taxes by him collected, and from whom collected, also, that no one of those whose taxes remain unpaid have any personal property out of which said taxes could have been collected.

Duty of
Recorder as to
delinquents.

SEC. 8. *Be it further enacted*, That when any tax shall be imposed upon any real estate lying within the bounds of said corporation, and said tax is not paid by the owner or occupant of said property on or before the 15th day of November of the year in which said tax shall fall due, and no personal property of the owner of said lot or real estate can be found within the bounds of said corporation upon which the same could be levied, then it shall be the duty of the Recorder to certify the same to the first term thereafter of the Circuit Court of Washington County, giving a full description of said property in each case so certified to said Circuit Court. It shall be the duty of said Circuit Court, at the term to which said list is so certified, to enter a judgment for the amount of taxes due said corporation and the cost thereon, and direct that a writ of sale shall issue to the Sheriff of Washington County, who shall sell said real estate for the satisfaction of said taxes and costs, and in making said sale the Sheriff shall be governed by the same laws and regulations which now governs sheriffs in selling land condemned by the Circuit Court, and sale made under writs of *renditioni exponas*, which tax, when collected by the Sheriff, shall be paid by him to the Recorder of said town for the use of said corporation, and the purchaser at such sale shall acquire the legal title to said

land, subject, however, to the right of redemption for two years from the date of sale in favor of the party whose land is so sold.

SEC. 9. *Be it further enacted*, That the Constable of said corporation shall, on the first Monday of each and every month, make a written statement under oath, and file the same with the Recorder, showing the amount of money which has been collected or received by him on taxes, fines, or otherwise due said corporation; and said Constable, at the time of making said statement, shall pay all moneys collected by him due said corporation to the Recorder, except the fees and commissions due the Constable, and it shall be the duty of the Recorder to make a written report under oath to the Mayor and Aldermen at the end of each three months during his continuance in office, and show what amount of money has been paid to him, by whom paid, and on what account paid during the preceding quarter, how much has been expended, and to whom, and the amount on hand. The Recorder shall file, as exhibits to his quarterly reports, the reports of the Constable above provided for, all of which shall be passed on by the Board of Aldermen and entered on record.

Duty of
constable.

SEC. 10. *Be it further enacted*, That it shall be the duty of the Mayor to preside at all the meetings of the Council; to see that all the ordinances and by-laws of the corporation are enforced; to take an oath of office before he enters upon the duties of his office, and to call special meetings of the Board of Mayor and Aldermen whenever he may deem it expedient to make such suggestions to the Board of Mayor and Aldermen as in his judgment will be most conducive to the interest of the corporation; when directed by the Board of Aldermen, to give orders upon the Recorder of said corporation for the payment of any money that may be due from said corporation; in case of a tie vote on question before the Board of Aldermen he shall vote, but not otherwise; he shall, within three months from the time he is inducted into office, or sooner, if practicable, give, in writing, to the Board of Aldermen, a general statement of the condition of the town, in relation to its government, finances, sanitary condition, and suggest such improvements as he may deem proper; he shall, at all times, have access to the books and records in the

Duties of
Mayor.

office of the Recorder; when he desires to speak on any question before the Board of Aldermen he shall call one of the Aldermen to the chair, who shall preside until the Mayor has concluded his remarks, and in case of the absence of the Mayor during his absence, and the person so elected shall, while so presiding, have all the power and perform all the duties enforced on the Mayor.

Attorney.

SEC. 11. *Be it further enacted*, That the Board of Mayor and Aldermen shall have the right to elect some one learned in the law to act as attorney for the corporation, and fix the salary of such officer.

Recorder to
receipt for
taxes.

SEC. 12. *Be it further enacted*, That in addition to the other powers and duties imposed on the Recorder of said corporation, he shall have the power to receive and receipt for all taxes due said corporation until the first day of August of each and every year, and to receive and receipt for all privilege taxes and issue license, but in no case shall license issue to any person until the money is paid for the same; to be present at all meetings of the Board of Mayor and Aldermen, and to keep a full and accurate account of all the business transacted by said Board, and shall record and preserve the same in a book provided for that purpose, which shall be read at the next succeeding meeting, and be approved by the Board and signed by the Recorder and countersigned by the Mayor, and in case of the absence of the Recorder the Board shall have the power to elect some one to act in his stead, and such person so elected shall, during the absence of the Recorder, perform all the duties imposed upon the Recorder.

Judge of
election.

SEC. 13. *Be it further enacted*, That the Sheriff of Washington County shall, previous to holding an election for Mayor and Aldermen, Constable and Magistrate, for said corporation, as provided in Section 3 of this Act, appoint three respectable citizens in the town of Johnson City who shall act as judges of said election, one of whom shall act as clerk of said election.

Failure to hold
election.

SEC. 14. *Be it further enacted*, That if for any cause the Sheriff shall fail or neglect to hold an election for the aforesaid officers on the fourth Monday in March in each and every year, he may at any time thereafter open and hold an election for the aforesaid

officers by first giving ten days' notice of said election for the balance of the unexpired term.

SEC. 15. *Be it further enacted*, That land embraced in the corporate limits of said town, as defined by this Act, used only for farming purposes, shall not be subject to taxation for corporation purposes until the same is laid off into town lots, except as lands in Washington County are taxed for road purposes.

Land not subject to taxation.

SEC. 16. *Be it further enacted*, That the taxes for the year 1889 and the year 1890 assessed on the real estate embraced in the corporate limits of said town, as defined by this Act, and not embraced in the Act passed February 22, 1887, and approved February 28, 1887, Chapter 210 of the Acts of 1887, shall be expended on the streets and alleys laid out and dedicated to the public, and for sewers within the territory and not embraced in the Act passed February 22, 1887, and approved February 28, 1887.

Taxes for 1889 and 1890, how expended.

SEC. 17. *Be it further enacted*, That said Board of Mayor and Aldermen shall have power to elect a Recorder for said corporation, who shall not be a member of said Board of Mayor and Aldermen, and he shall hold his office for a term of one year, or until his successor is elected and qualified.

Board to elect Recorder.

SEC. 18. *Be it further enacted*, That the Recorder of said corporation shall be invested with the full power and authority to try all offenses for violation of the ordinances and by-laws of said corporation; and said Recorder of the town of Johnson City be and is hereby invested with concurrent jurisdiction with Justices of the Peace, and in all cases of violation of the criminal laws of the State or of the ordinances or by-laws of the Board of Mayor and Aldermen of the town of Johnson City within the corporate limits of said town, and be entitled to the same fees now allowed to Justices of the Peace for like services.

Powers of Recorder.

SEC. 19. *Be it further enacted*, That the Board of Mayor and Aldermen of said corporation shall have full power and authority to erect a work-house and lock-up, or calaboose, for the safe keeping of persons convicted of any violation of any by-laws or ordinances of said corporation who fails or refuses to pay, or secure to be paid, the fees and costs occurring thereon. The Mayor and Aldermen may provide by ordinance for their confinement in said lock-up or work-house, or calaboose, and put them to work for

Work-house.

the town, either within an inclosure or on the streets, and other public works, under proper guard or secured by ball and chain, at such wages as the Board may adopt by ordinance, until said fine and costs are paid.

Marshal and
policemen.

SEC. 20. *Be it further enacted*, That the Mayor and Board of Aldermen shall have full power and authority to appoint a Marshal and as many policemen as in their judgment they may deem necessary at any time to preserve the peace and quiet of the town, or to enforce the ordinances of said corporation, to fix their term of office and regulate the salary of the same; said watchman or police so appointed shall have power to execute all processes that the Town Marshal or Constable is authorized to execute; *provided*, that said watchman or police shall not have authority to collect municipal taxes; said Board of Mayor and Aldermen to have power and authority to appoint all other officers and agents for the corporation that they may deem necessary, and provide by ordinances for the compensation of said officers or agents.

Bond of
officers.

SEC. 21. *Be it further enacted*, That before entering upon their respective duties the Recorder and Marshal so elected or appointed by the Board of Mayor and Aldermen shall each give bond with sufficient security to said Mayor and Aldermen in the sum of two thousand dollars, conditioned that they shall faithfully and honestly discharge their duties and account for all money that may come into their hands by virtue of their office.

Removal of
officers.

SEC. 22. *Be it further enacted*, That the Board of Mayor and Aldermen shall have full power and authority to dismiss or remove any officer or agent appointed or elected by them, including the Recorder or Marshal, for incompetency or any violation, neglect, or disregard of the duties imposed upon them by the laws and ordinances of said corporation, provided two-thirds of the Board of Mayor and Aldermen concur in this dismissal or removal.

To open streets.

SEC. 23. *Be it further enacted*, That the Board of Mayor and Aldermen of the town of Johnson City shall have full power and authority to lay off and open new streets, lanes, and alleys in said town, and extend the old ones for the convenience of the inhabitants thereof, in the manner and mode prescribed by Sections 1388, 1389, 1390, and 1391 of the Code of

Tennessee, and may, by ordinance or otherwise, require owners of property to place good, substantial brick or stone pavements in front of their property, the corporation laying curbstones.

SEC. 24. *Be it further enacted*, That the Mayor and Aldermen of Johnson City shall have power and authority by ordinance within the town to provide for the arrest and confinement until trial, of all riotous and disorderly persons within the town by day or night, and to authorize the arrest and detention of all suspicious persons violating any ordinance of the town, or in violation of an Act passed by the Legislature March 22, 1875, Chapter 105, Section 2. Arrests.

SEC. 25. *Be it further enacted*, That no person elected to the office of Alderman shall be allowed any pay for his services as such Alderman. The Mayor and Recorder shall receive salary as the Board of Aldermen may allow, not to be increased or diminished during their respective terms of office. The Marshal shall receive a stated salary per month, to be determined and ordered paid by the Board of Mayor and Aldermen. The fees of the Recorder, in addition to the fees allowed by law for the trial of offenses, for the violation of the ordinances and by-laws of the corporation, and the fees allowed for the trial of State offenses shall be determined by ordinance passed by the Board of Mayor and Aldermen. Salary of officers.

SEC. 26. *Be it further enacted*, That the Marshal elected or appointed by the Board of Mayor and Aldermen shall have charge of work hands on the streets, keep their time, and see that they do good work. Work hands.

SEC. 27. *Be it further enacted*, That the Council is empowered to purchase and hold land not exceeding in quantity one hundred acres, to be used as a cemetery, and to assess and levy a special tax upon all the persons and property which is liable to State and county taxation for the purpose of paying for said land, and properly inclosing the same. The said Council shall also have power to prescribe and enforce all needful rules and regulations not inconsistent with the laws of the State for the use, protection, preservation, and ornamentation of the cemetery, to set aside, in their discretion, by metes and bounds, a portion thereof, for the interment of strangers and the indigent poor; to divide the remainder into burial Cemetery.

lots, and to sell or lease the same; to execute all proper deeds or other writing in evidence of such sale or lease; whenever land is purchased for cemetery it shall be the duty of the Board to purchase one plot for the white race, and one for the colored race, separate, and the same regulations shall apply alike to each. The money from such sale or lease of burial lots shall be invested, used, or employed in such manner and for such purposes as the said Council may from time to time prescribe. The cemetery, when established and inclosed with the property included in it, shall be exempt from all State, county, and municipal taxation.

Recorder to
keep cash-book.

SEC. 28. *Be it further enacted*, That it shall be the duty of the Recorder of said corporation to keep a cash book, in which he shall enter all cash by him received, showing the date and amount, and from whom received, and on what account. He shall also enter in said book all amounts by him paid out, and to whom paid, on what account, and this book shall be open for inspection by the Mayor or Aldermen of said town, at any time called for, but no one shall be allowed to take said book from the Recorder's office except by order of the Board of Mayor and Aldermen, and when the Recorder's time expires, or when, from any cause, he cease to be Recorder, this book shall be turned over to his successor in office.

Limit of exclu-
sive privileges.

SEC. 29. *Be it further enacted*, That the Board of Mayor and Aldermen shall not grant any exclusive privilege to any person or corporation within the limits of said town for a longer period than twenty years, except the right to railroad companies to build their lines or rail over, through, or under the streets, alleys or lanes of said town.

Wooden
buildings.

SEC. 30. *Be it further enacted*, That for the purpose of guarding against the calamities of fire, the City Council may, from time to time, designate such portions and parts of the city as they may deem proper, within which buildings of wood may be erected. They may prohibit the erection of wooden buildings in any portion of the city without their permission, and shall, on the petition of the owner or owners of at least one-half of the ground included in any square of the city, prohibit the erection on said square of any buildings or addition to any buildings, unless the outer walls thereof be made of

brick and mortar, or stone and mortar, or iron, and may provide for the removal of any such building or addition which shall be erected contrary to such prohibition, at the expense of the builder or owner thereof; and if any such building shall have been commenced before said petition can be acted on by the Council, or if any building in the process of erection appears, clearly, to be unsafe, the Council may cause such building to be taken down after reasonable notice to the owner.

SEC. 31. *Be it further enacted*, That unless otherwise specially provided, the persons holding any of the offices provided for in this charter, which have heretofore existed under the charter in force immediately before its adoption, shall continue to hold the same under their present election or appointment until the term of said office as herein provided shall expire, stating the commencement of such term from the term fixed in said former charter, and all ordinances and laws in force immediately before the passage of this charter, so far as consistent herewith, and all liabilities, actions, claims, contracts, and prosecutions arising thereunder shall remain and continue as if this Act had not been passed. Unexpired terms.

SEC. 32. *Be it further enacted*, That the Mayor and Board of Aldermen shall have the right to submit to the qualified voters of the town of Johnson City a proposition to change the name of said town; *provided*, the name desired be set forth in the proposition so submitted, the vote to be taken either by written or printed ballot. Those voting in favor of the change shall put upon their ballot the name proposed, and those voting against such change shall put upon their ballot these words, "Johnson City." If a majority of the votes cast be for a change then the name submitted as above provided shall be the legal name of said town, but should a majority of the votes cast be opposed to such change, then the name of said town shall remain as at present, but in no event shall such proposition be submitted more than once. Should the name of said corporation be changed as above provided, such change of name shall not, in any way, affect any rights, privileges, or liabilities of said corporation, or of any individual. Change of name.

SEC. 33. *Be it further enacted*, That at any time

Absence of
Recorder.

when the Recorder is sick or absent, it shall be the duty of any Justice of the Peace, for Washington County, on application of the Marshal or Mayor of said corporation, to issue warrants for the arrest and try any person or persons who have been guilty of any violation of any of the by-laws or ordinances of said corporation, and said Justice in so-doing shall have the same power as the Recorder has under like circumstances.

Money, how
paid out;
Recorder to
turn over
books, etc.

SEC. 34. *Be it further enacted*, That no money belonging to said corporation shall be paid out except upon the order of the Recorder, countersigned by the Mayor, the same to be drawn by order of the Board of Aldermen, and at the expiration of his term of office, the Recorder shall deliver to his successor all books and papers belonging to the corporation, and take his receipt for the same, and make a final settlement with the Board of Mayor and Aldermen, and pay to his successor all moneys in his hands belonging to said corporation.

Corporate
limits.

SEC. 35. *Be it further enacted*, That the corporation limits of said town of Johnson City shall be as follows: Beginning at a point in the center of the main track of the East Tennessee, Virginia & Georgia Railroad southwesterly from the present center of the corporation of Johnson City, and distant one mile therefrom, measured in an air line, thence south $47^{\circ} 15'$ east one mile to a planted stone, thence northeasterly three and one-fourth miles to a planted stone on the line between the counties of Washington and Carter, thence northwesterly to north corner of the Ruth King home track, thence on the same course from said corner one mile to a planted stone, thence southwesterly to planted stone, said last-named corner to be one mile from the place of beginning in the center of the railroad track, and from said beginning to be north $47^{\circ} 15'$ west, thence south $47^{\circ} 15'$ east to the place of beginning.

Taxes.

SEC. 36. *Be it further enacted*, That the Board of Mayor and Aldermen of the said corporation shall have the same power to levy and collect taxes on property, privileges, and polls that the State of Tennessee has; *provided*, said taxes so levied shall not exceed the amount levied and collected on the same property, privileges, and polls by the State.

SEC. 37. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be and the same are hereby repealed. ^{Conflicting laws repealed.}

SEC. 38. *Be it further enacted*, That this Act take effect from and after its passage; the public welfare demands it.

Passed March 19, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 22, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 127.

AN ACT authorizing the Trustees of Nancy Academy, in Sevier County, to sell said academy building, grounds, etc., and apply the proceeds thereof in the construction of a new building or academy, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Trustees of Nancy Academy, located in the town of Sevierville, in Sevier County, Tenn., be and are hereby authorized and empowered to advertise, sell, transfer, and convey by deeds or otherwise, on such terms as they deem best, said academy, together with the lot on which it stands; *provided, however*, that the sale of the lot shall be left to the option of the Trustees, and apply the proceeds thereof to the construction of a new academy, either upon the lot where it now stands, or upon a lot purchased by them for that purpose. ^{Nancy Academy, sale of.}

SEC. 2. *Be it further enacted*, That said Trustees are hereby authorized and directed to use any funds now on hand due and belonging to said academy, in the ^{New buildings.}

erection of a new building or academy, as provided for in Section 1 of this Act.

Donations.

SEC. 3. *Be it further enacted*, That said Trustees may receive any donation, gift, or subscription for the benefit of said academy, and when so received it shall constitute a part of the academy funds or property, and be under the control of the Trustees thereof.

Board of Trustees continued.

SEC. 4. *Be it further enacted*, That the present Board of Trustees, to wit, P. E. Walker, A. J. Kiker, W. H. Thomas, J. C. McCowan, Pink Maples, be and they are hereby reappointed and confirmed by this Act as Trustees of said academy, and they shall hold their office as such till the first day of May, 1891, and on the fourth Monday in April, 1891, and every two years thereafter, the Chancellor of the Chancery Division in which Sevier County is included shall appoint five Trustees to succeed the Board holding office at that time, who shall hold their office for two years from the first day of May following their appointment, or until their successors are appointed.

Officers of the Board.

SEC. 5. *Be it further enacted*, That within thirty days after their appointment said Board of Trustees shall meet and organize by electing a President, Secretary, and Treasurer. It shall be the duty of said Secretary and Treasurer to take charge of all moneys and funds belonging to said academy, and keep in a book procured for that purpose an itemized statement of all moneys or other funds that may come into his hands by virtue of his office, as well as all disbursements made by him, and he shall be required, before entering upon the duties of his office, to enter into a bond payable to the State of Tennessee, with good and sufficient security in double the amount of the funds on hand, and that is likely to come into his hands for the honest and faithful discharge of his duty, said bond shall be executed in the County Court and approved by the Judge or Chairman as other like bonds. Said Secretary and Treasurer shall make settlement of his accounts with the Clerk of the County Court, and said settlement shall be approved by the court as administrator and guardian. Settlements are recorded in the book kept for that purpose.

Disbursements.

SEC. 6. *Be it further enacted*, That the Secretary and Treasurer of said Board shall make no disbursements nor accept any order or contract on which

money is to be expended, except when authorized by a majority of all the members of said Board.

SEC. 7. *Be it further enacted*, That all vacancies ^{Vacancies.} occurring in said Board of Trustees by reason of death, removal, or otherwise, shall be filled by the remaining members of said Board.

SEC. 8. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be and the ^{Conflicting laws repealed.} same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed March 19, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 23, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 128.

AN ACT to amend an Act passed March 21, 1887, and approved March 23, 1887, repealing certain sections of Milliken & Vertrees' Code.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 1 of an Act ^{Act of 1887 amended.} passed March 21, 1887, and approved March 23, 1887, repealing certain sections of Milliken & Vertrees' Code with regard to the protection of fish in this State, be so amended as to Giles County that hereafter no person shall fish in the waters of Giles County with a seine or net whose meshes are less than one and a half inches square; *provided*, that this Act shall not apply to seines or nets which are used for catching minnows with which to fish by angling or trot lines.

Penalty.

SEC. 2. *Be it further enacted*, That any person violating the provisions of Section 1 of this Act shall, upon conviction, be fined not less than two dollars, to be recovered before any Justice of the Peace.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 22, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 26, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 129.

AN ACT to change the county line between the counties of Marshall and Williamson.

Change of
county line.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county line heretofore existing between the counties of Marshall and Williamson, be and the same is hereby so changed as to take from the county of Marshall and include within the county of Williamson the land of George A. Reed, being about twenty-five acres of land belonging to said Reed, and to this time included within the Ninth Civil District of Marshall County.

Passed March 22, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 26, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 130.

AN ACT to provide revenue for the State of Tennessee and the counties thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the State tax on every one hundred dollars worth of taxable property shall be forty-five cents for the year 1889, and for every subsequent year thereafter; thirty cents of which shall be for State purposes, and fifteen cents for school purposes. State tax.

SEC. 2. *Be it further enacted,* That the several County Courts of this State be and they are hereby authorized and empowered to levy an annual county tax on every one hundred dollars worth of taxable property not exceeding the State tax, and exclusive of the tax for public roads and schools, and interest on county debts, and other special purposes; *provided,* that no county in this State shall levy more than one privilege tax on merchants, and that not more in the aggregate than the privilege tax levied by the State. County tax.

SEC. 3. *Be it further enacted,* That all merchants shall pay *ad valorem* tax upon the average capital invested by them of forty-five cents on the one hundred dollars, thirty cents of which shall be for State purposes, and fifteen cents for school purposes, and a privilege tax of twenty cents on each one hundred dollars worth of taxable property, ten cents of which shall be for school purposes, and ten cents for State purposes; *provided,* that such privilege tax, without regard to the length of time they do business, shall in no case be less than five dollars, which five dollars is to be paid when the license is taken out, and in case of those whose privilege tax amounts to more than five dollars, the five dollars paid shall be a credit when the balance of the tax is paid. Ad valorem tax.

SEC. 4. *Be it further enacted,* That the rate of taxation on the following privileges shall be as follows (per annum). When the population is referred to, it shall be controlled by and referred to the Federal Census of 1880. Rate of taxation.

Artists, etc.

ARTISTS AND PHOTOGRAPHERS.

| | |
|---|-------|
| In cities, towns, and taxing districts of over 8,000 inhabitants, each, per annum.....\$ | 50 00 |
| In cities, towns, and taxing districts of 5,000 to 8,000 inhabitants, each, per annum..... | 25 00 |
| In cities, towns, and taxing districts of 3,000 to 5,000 inhabitants, each, per annum | 15 00 |
| In cities, towns, and taxing districts of 1,000 to 3,000 inhabitants, each, per annum | 10 00 |
| In cities, towns, and taxing districts of 1,000 inhabitants, each, per annum..... | 6 00 |
| In counties outside of incorporated cities, towns, or taxing districts | 5 00 |
| Persons (other than artists and photographers of this State) soliciting pictures to be enlarged outside of this State, each, per annum..... | 10 00 |

| | | |
|------------------|--|-------|
| Architects, etc. | Architects, civil, and mining engineers..... | 25 00 |
|------------------|--|-------|

Auctioneers.

AUCTIONEERS.

| | |
|---|-------|
| In cities, taxing districts, or towns of 30,000 inhabitants or over, each, per annum..... | 50 00 |
| In cities, taxing districts, or towns of 20,000 to 30,000 inhabitants, each, per annum... | 40 00 |
| In cities, taxing districts, or towns of 5,000 to 20,000 inhabitants, each, per annum... | 25 00 |
| In cities, taxing districts, or towns of less than 5,000 inhabitants, each, per annum | 10 00 |
| Auction, brokerage, and commission merchants the same as charged other merchants. | |

Banks, etc.

Banks and banking, and insurance companies doing banking business, each bank and banking association shall pay a privilege tax of two dollars (\$2) on each one thousand dollars (\$1,000) of its capital stock and surplus; *provided*, that such privilege tax shall, in no case, be less than fifty dollars (\$50).

BREWERS.

Brewers.

| | |
|--|-----------|
| In counties of 60,000 inhabitants or over, each, per annum..... | \$ 150 00 |
| In counties of less than 60,000 inhabitants. each, per annum..... | 100 00 |

The above tax shall apply to local agents for breweries selling or delivering beer to the trade in this State.

BROKERS

Brokers.

(other than real estate or merchandise, and paying tax as bankers).

| | |
|---|--------|
| In cities, taxing districts, or towns of 8,000 inhabitants or over, each, per annum..... | 300 00 |
| In cities, taxing districts, or towns of 5,000 to 8,000 inhabitants, each, per annum..... | 200 00 |
| In cities, taxing districts, or towns of less than 5,000 inhabitants, each, per annum.. | 50 00 |

REAL ESTATE BROKERS AND AGENTS.

Real estate brokers.

| | |
|--|-------|
| In cities, taxing districts, and towns of 30,000 inhabitants or over, each, per annum..... | 50 00 |
| In cities, taxing districts, or towns of 8,000 to 30,000 inhabitants, each, per annum.... | 25 00 |
| In cities, taxing districts, or towns of less than 8,000 inhabitants, each, per annum.. | 10 00 |

And in addition thereto they shall pay one per cent. on commissions, and they shall file bonds as required of merchants.

LAND STOCK COMPANIES

Land stock companies.

| | |
|--|--------|
| Which have a capital invested in said business of \$100,000 or more, shall pay a privilege tax of five hundred dollars per annum | 500 00 |
| And those who have a capital of \$50,000 and less than \$100,000, shall pay..... | 300 00 |
| And having a capital of \$50,000 and less, shall pay..... | 200 00 |

BILL POSTERS.

Bill posters.

| | |
|--|--------|
| In cities, taxing districts, or towns of 30,000 inhabitants or over, each, per annum | 100 00 |
|--|--------|

| | | | |
|--|----|----|----|
| In cities, taxing districts, or towns of 8,000 to 30,000 inhabitants, each, per annum... | \$ | 50 | 00 |
|--|----|----|----|

Butchers.

BUTCHERS.

This includes all offices, stalls, and stores for the sale of fresh meat at retail.

| | | |
|---|----|----|
| In cities, taxing districts, or towns (or adjacent thereto) of 20,000 inhabitants or over, each, per annum | 50 | 00 |
| In cities, taxing districts, or towns (or adjacent thereto) of 10,000 to 20,000 inhabitants, each, per annum..... | 30 | 00 |
| In cities, taxing districts, or towns (or adjacent thereto) of 5,000 to 10,000 inhabitants, each, per annum..... | 20 | 00 |
| In cities, taxing districts, or towns (or adjacent thereto) of 1,000 to 5,000 inhabitants, each, per annum..... | 10 | 00 |

No tax to be collected from butchers in towns of population less than 1,000; *provided*, that nothing in this section shall be construed to include farmers or producers who may sell their own products at wholesale or retail.

Boarding-houses.

BOARDING HOUSES

(kept for transient customers).

| | | |
|--|----|----|
| In cities, taxing districts, or towns of 30,000 inhabitants or over, for each room except dining room, kitchen, and two others, each, per annum..... | 2 | 00 |
| In cities, taxing districts, or towns of 5,000 to 30,000 inhabitants, for each room except dining room, kitchen, and two others, per annum | 1 | 50 |
| In cities, taxing districts, or towns of 2,000 to 5,000 inhabitants, for each room except dining room, kitchen, and two others, per annum | 1 | 00 |
| In cities, taxing districts, or towns of less than 2,000 inhabitants, for each room except dining room, kitchen, and two others, per annum..... | 50 | |

BILLIARDS.

Billiards.

See games.

CIGAR STANDS.

Cigar stands.

Charged as other merchants.

Cotton commission merchants, factors, brokers, and buyers (not paying tax as merchants), each person, firm, company, or corporation, per annum.....\$

Cotton merchants, etc.

50 00

Each person, firm, company, or corporation under 5,000 inhabitants, per annum.....

25 00

COTTON SEED OIL MILLS

Cotton-seed oil mills.

Shall pay on 2 press mill, per annum.....

20 00

Shall pay on 4 press mill, per annum.....

40 00

Shall pay on 5 press mill, per annum.....

75 00

Shall pay on 6 press mill, per annum.....

150 00

Shall pay on 7 press mill, per annum.

225 00

Shall pay on 8 press mill, per annum.....

300 00

Shall pay on 9 press mill, per annum.....

350 00

Shall pay on 10 press mill (or over), per

annum.....

500 00

COTTON COMPRESSES.

Cotton compresses.

Tax as other property, and compresses pressing one bale, and under 20,000 bales, per annum..

75 00

20,000 and under 50,000 bales, per annum...

100 00

50,000 and under 100,000 bales, per annum.

150 00

100,000 and under 200,000 bales, per annum

200 00

And an increase in tax in proportion as the number of bales increases above 200,000 bales.

COMMERCIAL, MERCHANTILE, COLLECTION, OR
MUTUAL PROTECTIVE AGENCIES

Commercial agencies, etc.

In cities, taxing districts, or towns of 20,000 inhabitants, or over, on each office, per annum

150 00

In cities, taxing districts, or towns under 20,000 inhabitants, on each office, per annum

100 00

But nothing herein contained shall be so construed as to include State, county, or district agents of Agricultural or Horticultural Associations, who sell the products and buy the supplies of their members for only commissions enough to pay the expenses of such agencies, and not for profit.

COUNTY CERTIFICATES OR WARRANTS.

County certificates, etc.

| | |
|---|-----------|
| Dealers in, not paying tax as bankers or brokers, in cities, taxing districts or towns of 30,000 inhabitants or over, each, per annum | \$ 100 00 |
| In cities, taxing districts, or towns of 5,000 to 30,000 inhabitants, each, per annum... | 25 00 |
| In cities, taxing districts, or towns of less than 5,000 inhabitants, each, per annum.. | 12 50 |

Circuses, etc.

CIRCUSES AND EXHIBITIONS.

| | |
|--|--------|
| Circuses and exhibitions given by any portion of a circus, whether horses are used or not, each day and night, or day or night each..... | 20 00 |
| Menageries each day or night, each..... | 200 00 |
| Circuses and Menageries combined, each day and night, or day or night, each..... | 200 00 |
| Side shows and other shows, and concerts in connection with above taxed separately under their appropriate heads, if they charge a separate or additional entrance fee, sleight of hand or legerdemain, each day and night, or day or night, each..... | 20 00 |
| Other exhibition for profit (except circuses, menageries, theaters, etc.), except exhibition for purely charitable purposes, and those given by amateur or home troupes, each day and night, or day or night, each | 10 00 |
| Per month..... | 100 00 |

Construction companies.

CONSTRUCTION COMPANIES.

| | |
|--|--------|
| Each company organized under the laws of this State, or doing business within this State, per annum..... | 100 00 |
|--|--------|

| COAL AND COKE AGENCIES OR DEALERS | Coal dealers. |
|--|---------------|
| Who sell by car load lots or larger quantities). | . |
| In cities, towns, or taxing districts of 30,000 inhabitants or over, each person, firm, agency, or corporation in each county, per annum..... | \$ 50 00 |
| In towns, cities, or taxing districts of over 5,000 and up to 30,000 inhabitants, each person, firm, agency, or corporation in each county, per annum..... | 25 00 |
| In towns, cities, or taxing districts of less than 5,000 inhabitants..... | 10 00 |
| Who sell in quantities less than car load lots in all cities, taxing districts, and towns, without regard to population, each, per annum..... | 10 00 |
| But any who pay said wholesale tax shall not be required to pay the retail tax. | - |

| DISTILLERS OF WHISKY AND BRANDY. | Distillers, etc. |
|--|------------------|
| Distilleries with a capacity of 30 barrels and over per day, per annum..... | 150 00 |
| Distilleries with a capacity of from 20 to 30 barrels per day, per annum..... | 100 00 |
| Distilleries with a capacity of from 10 to 20 barrels per day, per annum..... | 75 00 |
| Distilleries with a capacity of from 10 to 20 barrels per day, per annum..... | 50 00 |
| Distilleries with a capacity of from 5 to 10 barrels per day, per annum..... | 5 00 |
| Distilleries who manufacture for their own use, and those who sell to consumers and have paid the State tax levied on the wholesale liquor dealers, shall not be required to pay this tax, provided said distilleries shall be in operation. | |

| DUMMY RAILROADS. | Dummy railroads. |
|-----------------------|------------------|
| Each, per annum | 75 00 |

| ELECTRIC LIGHT COMPANIES. | Electric light companies. |
|---|---------------------------|
| In cities, taxing districts, or towns of 30,000 inhabitants or over, each, per annum..... | 100 00 |

| | |
|--|----------|
| In cities, taxing districts, or towns of 8,000 to 30,000 inhabitants, each, per annum... | \$ 75 00 |
| In cities, taxing districts, or towns of less than 8,000 inhabitants, each, per annum.. | 25 00 |

FEATHER RENOVATORS.

Feather renovators.

| | |
|--|-------|
| Persons, firms, or the agents of persons or firms engaged in cleaning or renovating feathers in each county, each, per annum | 25 00 |
|--|-------|

FEEES.

Fees.

All parties, banking associations, or brokers, or their agents buying or attempting to buy, the fees of any officer or witness accruing in any of the courts of this State, shall pay as follows:

| | |
|---|--------|
| In counties of 50,000 inhabitants or over, each, per annum..... | 400 00 |
| In counties of 40,000 to 50,000 inhabitants, each, per annum..... | 300 00 |
| In counties of 20,000 to 40,000 inhabitants, each, per annum..... | 200 00 |
| In counties of less than 20,000 inhabitants, each, per annum..... | 25 00 |

FERRIES.

Ferries.

Except those run by hand, with oars when the landings in this State are at or within five miles of taxing districts, cities, or towns.

| | |
|--|-------|
| Cities, towns, or taxing districts of 10,000 inhabitants or over, each, per annum..... | 50 00 |
| At or within five miles of cities, taxing districts, or towns of 5,000 to 10,000 inhabitants, each, per annum..... | 30 00 |
| At or within five miles of cities, taxing districts, or towns of 1,000 to 5,000 inhabitants, each, per annum | 20 00 |
| At or within five miles of cities, taxing districts or towns of less than 1,000 inhabitants, each, per annum..... | 15 00 |
| All ferries taxable under this Act more than five miles from a town, city or taxing district..... | 10 00 |

FORTUNE TELLERS.

Fortune tellers.

Each, per annum\$ 50 00

FRUIT STANDS.

Fruit stands.

Taxed as other merchants.

FUTURES.

Futures.

Dealers in futures, and brokers dealing in futures, whether actual delivery is intended or not, each person, firm, company, or corporation, dealing or doing a brokerage business therein, and each branch or agency of such firm, company, or corporation

| | |
|--|----------|
| In cities, taxing districts, or towns of 30,000 inhabitants or over, per annum..... | 1,000 00 |
| In cities, taxing districts, or towns of 8,000 to 30,000 inhabitants, per annum..... | 500 00 |
| In cities, taxing districts, or towns of less than 8,000 inhabitants, per annum..... | 250 00 |

GAS COMPANIES.

(Gas companies.

| | |
|--|--------|
| In cities, taxing districts, or towns of 30,000 inhabitants or over, per annum..... | 600 00 |
| In cities, taxing districts, or towns of 8,000 to 30,000 inhabitants, per annum..... | 400 00 |
| In cities, taxing districts, or towns of 5,000 to 8,000 inhabitants, per annum..... | 100 00 |
| In cities, taxing districts, or towns of 500 and less than 5,000 inhabitants, per annum..... | 25 00 |

GAMES.

Games.

| | |
|---|-------|
| Billiard tables, pool tables, flying jennies, bagatelle tables, Jenny Lind tables, and ten pin alleys, roller coasters, on each, in cities, taxing districts, or towns of 20,000 inhabitants or over, each, per annum | 30 00 |
| In cities, taxing districts, or towns from 10,000 to 20,000 inhabitants, each, per annum..... | 25 00 |
| In cities, taxing districts, or towns of 5,000 to 10,000 inhabitants, each, per annum... | 20 00 |

| | |
|--|-------|
| In cities, taxing districts, or towns of 2,000 to 5,000 inhabitants, each, per annum.....\$ | 15 00 |
| In cities, taxing districts, or towns of less than 2,000 inhabitants, each, per annum. | 10 00 |
| In counties outside of towns, cities, and taxing districts, each, per annum..... | 10 00 |
| All devices used by persons as a source of profit to themselves, such as throwing balls at wooden figures, or any other object, throwing rings, or any other device of like nature | 10 00 |

And said tax shall be paid by every saloon keeper, or other person who keeps any of the above in connection with his or her business, and for the use of the public, whether the same is charged for or not.

HOTELS AND TAVERNS.

Hotels, etc.

| | |
|--|------|
| In cities, taxing districts, or towns of 30,000 inhabitants or over, for each room except dining room, kitchen, and two others, per annum | 2 00 |
| In cities, taxing districts, or towns of 5,000 to 30,000 inhabitants, for each room except dining room, kitchen, and two others, per annum..... | 1 50 |
| In cities, taxing districts, or towns of 2,000 to 5,000 inhabitants, for each room except dining room, kitchen, and two others, per annum | 1 00 |
| In cities, taxing districts, or towns of less than 2,000 inhabitants, for each room except dining room, kitchen, and two others, per annum | 50 |

Hotels kept at places for summer resort to be taxed as other hotels, but may be paid quarterly.

HUCKSTERS.

Hucksters.

Taxed as other merchants.

Persons who travel around their counties collecting up marketing, chickens, butter, eggs, rags, fruit, etc., and such things as they carry to market, are not subject to tax either as hucksters or peddlers.

ICE—DEALERS IN.

Ice dealers.

Each person or firm, or corporation selling imported or home ice to the trade—

| | |
|--|-----------|
| In cities, taxing districts, or towns of 30,000 inhabitants or over, per annum | \$ 100 00 |
| In cities, taxing districts, or towns of 8,000 to 30,000 inhabitants, per annum | 75 00 |
| In cities, taxing districts, or towns of 5,000 to 8,000 inhabitants, per annum..... | 50 00 |
| In cities, taxing districts, or towns of 2,000 and less than 5,000 inhabitants, per annum | 25 00 |
| In cities, taxing districts, or towns of 1,000 and less than 2,000 inhabitants, per annum..... | 5 00 |
| Each person or firm retailing or selling ice from any car running upon any railroad in this State (in lieu of all other taxes), to be paid in any county in the State through which the car runs, and in which such sale or sales may be made..... | 50 00 |
| Retail ice dealers running wagons in connection with their business (but in towns of less than 1,000 inhabitants no tax shall be charged to retail dealers in ice).. | 10 00 |

INSURANCE AGENTS.

Insurance agents.

| | |
|--|--------|
| Each agent of mutual or assessment insurance companies, fire, accident, or life, in each county in which they do business, per annum, to be collected by the County Court Clerk..... | 100 00 |
|--|--------|

But nothing in this Act shall be construed so as to levy a tax upon insurance agents who are legally licensed to do business by the Insurance Commissioners.

ITINERANTS.

Itinerants.

| | |
|--|--------|
| All persons, whether physicians or not, either selling medicines or advertising their services, or both, by appearing on the streets or elsewhere and making harangues for the purpose of advertising, as aforesaid, in each county, per annum.. | 200 00 |
|--|--------|

INTELLIGENCE OFFICES.

**Intelligence
offices.**

Keepers of each, per annum.....\$ 40 00

LAUNDRIES—STEAM.

**Steam Laun-
dries.**

In cities, taxing districts, or towns of 20,-
000 inhabitants and over, each, per an-
num..... 100 00
In cities, taxing districts, or towns of 5,000
to 20,000 inhabitants, each, per annum... 50 00
In cities, taxing districts, or towns of less
than 5,000 inhabitants, each, per annum.. 25 00

**Lightning-rod
companies.**

LIGHTING-ROD COMPANIES.

State tax for each company..... 100 00
Each, in each county in which they do busi-
ness..... 10 00

Liquor dealers.

LIQUOR DEALERS.

Wholesale, each, per annum, and in addi-
tion, taxed as other merchants. 200 00
Retail, taxed as other merchants and in
addition, shall pay as follows:
In cities, taxing districts or towns of 5,000
inhabitants or over, each, per annum..... 200 00
At any place not a city, taxing district or
town of less than 5,000 inhabitants, per
annum..... 150 00

Persons selling liquor in quantities of five
gallons or more, except manufacturers sell-
ing to dealers in original packages by the
keg or barrel, of not less five gallons, are
wholesale dealers, and persons selling in
smaller quantities than five gallons, are re-
tail dealers, and the above tax on liquor
dealers applies to all druggists, except in
case of wine for sacramental purposes, and
alcohol for domestic purposes. Persons
keeping bar on steamboats, flat boats or
other vessels or water craft shall pay a tax
of \$300 per annum in lieu of all other
taxes, to be paid in any county they may
elect.

LITIGATION.

Litigation.

| | |
|--|------|
| Each suit in law or equity to be paid by the unsuccessful party.....\$ | 2 50 |
| Each indictment or presentment..... | 5 00 |
| Each appeal to Supreme Court in criminal cases, if defendant is unsuccessful..... | 7 50 |
| Each appeal on writ of error or <i>certiorari</i> from a Circuit or Chancery Court to Supreme Court..... | 5 00 |
| Each appeal or <i>certiorari</i> from a Justice of the Peace..... | 2 50 |
| Each case before a Mayor or Recorder's Court or before any Police Court having jurisdiction of offenses in any taxing district in the State, <i>provided</i> , such tax can be collected in money..... | 1 00 |

All the above taxes shall be taxed in bills of cost, and are hereby declared part of the costs in the case (and said officers, collecting said tax, and under the small offense Act, and the officer holding the Police Court in the towns and cities in the taxing districts of this State, shall report the amount collected by them every ninety days, and pay the same over to the Clerk of the County Court, taking duplicate receipts, one of which shall, without delay, be forwarded to the Comptroller).

No tax shall be paid on applications for dower or homestead, and no tax on applications of guardians to sell property for maintenance of wards or to intrench on property of wards or on application for partition, and no tax on suits brought by State, county, or municipality to collect taxes.

LIVERY, SALE, AND FEED STABLES.

| | |
|-------------------------------|------|
| On each stall, per annum..... | 1 00 |
|-------------------------------|------|

Livery stables.

LUMBER DEALERS.

Lumber dealers who buy and sell sawed lumber, and dealers in saw logs and staves must pay privilege and *ad valorem* tax as merchants, *provided*, that merchants who

Lumber
dealers.

also deal in lumber, shall pay only one privilege tax.

**Marriage
license.**

MARRIAGE LICENSE.

Each (for school purposes, and the tax to be kept in the county).....\$ 1 00

Peddlers.

PEDDLERS.

Buying or selling for profit or both. If on foot, in each county, each, per annum.... 15 00
If with horse or vehicle, in each county, each, per annum..... 30 00
If with more than one horse for each additional horse in each county, each, per annum..... 12 00
Of patent medicines and nostrums, if on foot or horse, in each county, each, per annum 60 00
Of patent medicines and nostrums, if with horse and wagon, in each county, each, per annum..... 150 00

Parks.

PARKS.

Public parks (where visitors are charged an admission fee), each, per annum..... 100 00
Base ball parks (where an admission fee is charged), per annum 100 00

Pool selling.

POOL SELLING.

Each person, company, firm, or corporation, or agent engaged in selling pools upon any running, trotting, or pacing race in this or any other State therein, each, per annum, or shorter time..... 500 00

Pawn brokers.

PAWN BROKERS.

In cities, towns, or taxing districts of 30,000 inhabitants or over, each, per annum 100 00
In cities, towns, or taxing districts of 8,000 to 30,000 inhabitants, per annum..... 75 00.
In cities, towns, or taxing districts of 5,000 to 8,000 inhabitants, each, per annum..... 50 00
In cities, towns, or taxing districts under 5,000 inhabitants, each, per annum..... 25 00

| | | | |
|--|----|----|----|
| In counties, not in towns, cities, or taxing districts | \$ | 10 | 00 |
|--|----|----|----|

And in addition they shall pay a tax as other merchants.

PLUMBERS AND GAS FITTERS.

Plumbers, etc.

Charged as merchants.

RACE TRACKS AND BOOK MAKERS.

Race tracks and book makers.

| | | |
|---|-----|----|
| Tracks of one mile or more, each, per annum..... | 200 | 00 |
| Tracks of half mile, each, per annum..... | 150 | 00 |
| Tracks of quarter-mile, each, per annum... | 100 | 00 |
| Book makers on horse races, each agent, firm, or person, corporation or firms in each county, each, per annum, or any shorter time..... | 25 | 00 |

RAILROAD TICKET AGENTS AND SCALPERS

Railroad ticket agents, etc.

(except agents actually on line of railroad).

| | | |
|--|----|----|
| In cities, towns, and taxing districts of over 20,000, per annum | 50 | 00 |
| In cities, towns, and taxing districts under 20,000, and in counties, per annum..... | 20 | 00 |

RESTAURANTS.

Restaurants.

Same as hotels on each room, and in addition, as follows:

| | | |
|---|----|----|
| In cities, towns, and taxing districts of 30,000 inhabitants or over, each. per annum | 50 | 00 |
| In towns, cities, and taxing districts of 8,000 to 30,000 inhabitants, each, per annum... | 40 | 00 |
| In cities, taxing districts, or towns of 5,000 to 8,000 inhabitants, each, per annum..... | 25 | 00 |
| In cities, taxing districts, or towns of 2,000 to 5,000 inhabitants, each, per annum..... | 15 | 00 |
| In cities, taxing districts, or towns of less than 2,000 inhabitants, each, per annum.. | 10 | 00 |
| In counties, not in towns, cities, or taxing districts | 10 | 00 |

SAMPLE SELLERS AND SOLICITORS.

Sample sellers and solicitors.

Persons selling goods, wares, chattels, or any other character of merchandise to

| | |
|---|----------|
| consumers by sample, or taking orders or measurers from consumers in each county, each, per annum | \$ 10 00 |
|---|----------|

Securities, etc.

SECURITIES—DEALERS IN

(other than bankers or brokers).

| | |
|--|-------|
| In cities, towns, or taxing districts of 8,000 inhabitants or over, each, three cents on each dollar employed, but in no instance to be less than..... | 50 00 |
| In cities, towns, or taxing districts under 8,000 inhabitants, and in counties, not in cities, towns, or taxing districts, one and one-half cents on each dollar employed, but in no instance less than per annum... | 20 00 |

Sellers of goods
at public out-
cry.

SELLERS OF GOODS AT PUBLIC OUTCRY

(other than auctioneers).

| | |
|--|-------|
| Each person or firm in each county, per an- num | 15 00 |
|--|-------|

Stocks and
bonds, etc.

STOCKS AND BONDS—DEALERS IN

(other than brokers and bankers).

Tax same as dealers in securities.

Shaving notes.

SHAVING NOTES.

Taxed same as dealers in securities and
stocks and bonds.

Street car
companies.

STREET CAR COMPANIES.

| | |
|---|--------|
| In cities, towns, or taxing districts of 30,- 000 inhabitants or over, each, per annum | 350 00 |
| In cities, towns, and taxing districts of less than 30,000 inhabitants and over 8,000 inhabitants, each, per annum..... | 150 00 |
| In cities, towns, or taxing districts of under 8,000 inhabitants, each, per annum..... | 50 00 |

Sewing
machines, etc.

SEWING MACHINES—DEALERS IN, OR AGENTS.

| | |
|--|-------|
| Selling sewing machines, either directly or by sample, in counties of 40,000 inhabi- tants or over, in each county, each agent and dealer, per annum..... | 20 00 |
|--|-------|

Selling sewing machines, either directly or by samples, in counties of under 40,000 inhabitants, in each county, each, per annum.....\$ 10 00

Merchants selling sewing machines upon which they pay a tax as on other merchandise, not to pay the tax required of sellers by sample; *provided*, they sell the same in any one established business place.

SKATING RINKS.

Skating rinks.

In cities, taxing districts, or towns of 20,000 inhabitants or over, each, per annum 150 00
In cities, taxing districts, or towns of 10,000 to 20,000 inhabitants, each, per annum 75 00
In cities, taxing districts, or towns of 5,000 to 10,000 inhabitants, each, per annum... 40 00
In cities, taxing districts, or towns of less than 5,000 inhabitants, each, per annum.. 20 00
In counties, not in cities, towns, or taxing districts 40 00

SHOOTING GALLERIES AND STANDS.

Shooting galleries, etc.

Each, per annum..... 20 00

STOCK YARDS AND DEALERS IN STOCK.

Stock yards and dealers in stock.

Stock yards in cities, taxing districts, and towns of 8,000 inhabitants or over, or adjacent thereto, per pen per annum..... 10 00
In cities, taxing districts, and towns of less than 8,000 inhabitants or adjacent thereto, per pen, per annum..... 5 00
Dealers in stock in taxing districts, cities or towns of less than 8,000 inhabitants, per pen, per annum..... 5 00
Dealers in stock in taxing districts, cities, or towns of 8,000 inhabitants or over, per pen, per annum..... 10 00

THEATERS.

Theaters.

In cities, taxing districts, or towns of 20,000 inhabitants, each, per annum..... 400 00
In cities, taxing districts, or towns of 8,000 to 20,000 inhabitants, each, per annum... 250 00

| | |
|--|-----------|
| In cities, taxing districts, or towns of 5,000 to 8,000 inhabitants, each, per annum..... | \$ 100 00 |
| In cities, taxing districts, or towns of 3,000 to 5,000 inhabitants, each, per annum..... | 50 00 |
| In cities, taxing districts, or towns of 1,500 to 3,000 inhabitants, each, per annum | 25 00 |
| In cities, taxing districts, or towns of less than 1,500 inhabitants, each, per annum.. | 20 00 |

Undertakers.

UNDERTAKERS.

Taxed as other merchants.



Variety theater establishments.

VARIETY THEATER ESTABLISHMENTS.

| | |
|----------------------|--------|
| Each, per annum..... | 500 00 |
|----------------------|--------|

Water companies.

WATER COMPANIES.

| | |
|---|--------|
| In cities, taxing districts, or towns of 30,000 inhabitants or over, per annum..... | 600 00 |
| In cities, taxing districts, or towns of 8,000 to 30,000 inhabitants, per annum | 200 00 |
| In cities, taxing districts, or towns of 5,000 to 8,000 inhabitants, per annum..... | 100 00 |

This tax shall apply to all municipal corporations operating water-works and charging citizens for water.

Telephone companies.

TELEPHONE COMPANIES.

| | |
|------------------------------------|----|
| Each telephone box, per annum..... | 50 |
|------------------------------------|----|

Vehicles.

VEHICLES.

If run for profit within the limits of this State without reference to the residence of the owner, drays, express wagons, and carts, (except those of express companies and butchers paying a privilege tax, and except those of farmers or gardeners who do not make a regular business of hauling for hire; also except those manufacturers hauling their own manufactured articles, except dealers delivering their goods), carts or wagons hauling coal or pig iron, as a business, shall pay, where drawn by one horse, each, per annum.....

1 00

| | |
|--|---------|
| Where drawn by more than one horse, for each additional horse, each, per annum... | \$ 1 00 |
| Hacks, carriages, or wheeled vehicles, carrying passengers that run for profit in this State without reference to residence of the owners, when drawn by one or more horses, each, per annum | 5 00 |
| Omnibuses and transfer wagons, each, per annum | 10 00 |

Hacks or other vehicles carrying express matter of any character or value, in addition to the above, shall pay a tax of \$10.00 per annum, in each county through which they may run.

WAREHOUSEMEN AND ELEVATOR COMPANIES.

| | |
|---|-------|
| In cities and towns of 1,000 inhabitants or over, not paying a tax as commission merchants, each, per annum | 50 00 |
|---|-------|

Warehousemen and elevator companies.

And this shall be instead of and over all taxes for selling of produce or other articles stored in their warehouses by such warehousemen, but this shall not be so construed as to exempt commission merchants from taxation as provided by law; *provided* the tax herein levied on such warehousemen shall apply only to those carrying on business in an incorporated city, or town, or a taxing district; *provided*, no tax shall be demanded of warehouses not charging storage.

SEC. 5. *Be it further enacted*, That the following corporations shall pay directly to the Comptroller's office the following taxes, and for the faithful collection of the same the Comptroller is hereby required to enter into an additional bond in the penal sum of \$100,000, and shall be entitled to a compensation of one and one-half per cent., to be retained out of such collections; *provided*, no commissions for said collections are allowed other collectors or attorneys.

Corporations taxable; Comptroller's bond.

EXPRESS COMPANIES.

(In lieu of all other taxes except *ad valorem* tax). If the lines are less than one hun-

Express companies.

dred miles long, for one or more packages taken up at one point in this State and transported to another point in this State, per annum \$ 1,000 00

If the lines are more than one hundred miles long, for one or more packages taken up at one point in this State and transported to another point in this State, per annum 3,000 00

The above tax only applies to express companies running or doing business on cars or boats, etc.

Railroad
companies.

RAILROAD COMPANIES.

(Not paying an *ad valorem* tax to the State).

Each company operating or controlling four hundred miles or more of road in this State, for taking up and transporting freight and passengers from one point in this State to another point in this State, per annum..... 10,000 01

Each company operating or controlling from one hundred to four hundred miles of road in this State, for taking up and transporting freight and passengers from one point in this State to another point in this State, per annum..... 5,000 00

Each company operating or controlling from twenty-five to one hundred miles of said road in this State for taking up and transporting freight and passengers from one point in this State, per annum..... 500 00

Each company operating or controlling less than twenty-five miles of road in this State, for taking up and transporting freight and passengers from one point in this State to another point in this State, per annum..... 100 00

Sleeping car
companies.

SLEEPING CAR COMPANIES.

(In lieu of all other taxes except *ad valorem* tax).

Each company doing business in this State, for one or more passengers taken up at

one point in this State, and delivered at another point in this State, and transported wholly within this State, per annum\$ 3,000 00

TELEGRAPH COMPANIES.

Telegraph
companies.

(In lieu of all other taxes except *ad valorem* tax).

Each company operating three hundred miles or more of telegraph wire in this State, for one or more messages sent from one point in this State, and transmitted wholly within this State, and not sent in the service of the United States Government, per annum..... 3,000 00

Each company operating from one hundred to three hundred miles of telegraph wire in this State, for one or more messages sent from one point in this State to another point in this State, and transmitted wholly within this State, and not sent in the service of the United States Government, per annum 300 00

Each company operating from twenty-five to one hundred miles of telegraph wire in this State for one or more messages sent from one point in this State to another point in this State, transmitted wholly within this State, and not sent in the service of the United States Government, per annum..... 25 00

SEC. 6. *Be it further enacted*, That all insurance Insurance tax. companies shall pay directly to the Insurance Commissioner the following taxes in lieu of all other taxes. Life (foreign) $2\frac{1}{2}$ per cent. on gross premium receipts, payable semi-annually.

Fire (foreign), $2\frac{1}{2}$ per cent. on gross premium receipts, payable semi-annually.

Home, fire and life, $1\frac{1}{2}$ per cent. on gross premium receipts, payable semi-annually.

The Insurance Commissioner shall be entitled to an additional compensation of one and one-half per cent. ($1\frac{1}{2}$ per cent.), to be retained out of such collections; *provided*, no commission for said collection be allowed other collectors or attorneys.

Income tax.

SEC. 7. *Be it further enacted*, That the income derived from all shares of stock in any corporations which are, by their charters, exempted from *ad valorem* tax, or from bonds exempt from any such tax, shall pay a tax of five per cent. per annum upon the amount of such income.

Misdemeanor.

SEC. 8. *Be it further enacted*, That any and all parties, firms, or corporations exercising any of the foregoing privileges, must pay the tax as set forth in this Act for the exercise of said privilege, whether they make a business of it or not; and this Act shall not be so construed as to exempt any persons, firm or corporation whatever exercising any of the foregoing privileges from the payment of the tax herein prescribed for the exercise of said privilege, except as herein provided, except as provided in Chapter 121 of the Acts of 1869-70, exempting State and county fairs, and their tenants; and it is hereby declared as a misdemeanor for exercising any of the foregoing privileges without first paying the tax prescribed for the exercise of said privilege, and all parties so offending shall be liable for a fine of not less than fifty nor more than five hundred dollars.

Conflicting laws repealed.

SEC. 9. *Be it further enacted*, That all laws, or parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 5, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 8, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 131.

AN ACT to authorize the County Trustee of Hardin County to sell a vacant lot in the town of Savannah, known as the Male Academy lot.

SECTION 1. *Be it enacted by the General Assembly of* ^{Trustee to sell.} *the State of Tennessee,* That the County Trustee of Hardin County be and is hereby authorized and empowered to sell to the highest bidder, for one-third cash, and the balance on one and two years equal payments, and convey by general warranty deed, a vacant lot of ground containing about one-half an acre, fronting on Main Street, in the town of Savannah in said County, and known as the "Old Male Academy lot," and the said Trustee will place the proceeds of said lot to the credit of the general school fund of said county.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 22, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 26, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 132.

AN ACT to create and regulate the office of County Judge for Cumberland County.

Election of
County Judge.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall be elected by the qualified voters of Cumberland County a person learned in the law to be styled a "County Judge" of Cumberland County, and who shall be the County Judge of said county, who shall be thirty years old, and who shall hold his office a term of eight years from the date of his commission; said person to be a citizen of Cumberland County and a person of good moral character.

Time and place
of election.

SEC. 2. *Be it further enacted*, That the first election for County Judge of Cumberland County shall be held at the same place and at the same time, and by the same officers that other county elections are held, on the first Thursday in August, 1890, and under the same rules and regulations that are prescribed by law for other county elections and subsequent elections (except vacancies which shall be filled when they occur in the manner prescribed by law) on the first Thursday in August every eight years thereafter.

Rights and
powers of
County Judge.

SEC. 3. *Be it further enacted*, That the County Judge of Cumberland County shall have and exercise all the rights, powers, and jurisdiction that are conferred by existing laws upon the County Judges of this State, and shall comply with all the requirements of and perform all the duties imposed by law creating and regulating the powers and duties of County Judges.

Jurisdiction of
Chairman
transferred.

SEC. 4. *Be it further enacted*, That all the powers and jurisdiction now vested in and belonging to the Chairman of the County Courts of this State be and the same are hereby conferred upon the County Judge of Cumberland County, who is hereafter to be elected by the qualified voters of Cumberland County, and the office of Chairman of Cumberland County Court is hereby abolished from and after the first Monday in May, 1889.

Salary of Judge.

SEC. 5. *Be it further enacted*, That the County Judge of Cumberland County shall receive a salary of two hundred and fifty dollars (\$250) per annum, to be

paid quarterly out of the revenue collected for the years which the services are rendered.

SEC. 6. *Be it further enacted*, That the present Chairman of the County Court of Cumberland County continue to hold the County Court of said county until the first Monday in May, 1889, during which time it shall be the duty of the Governor to appoint a Judge under this Act, and duly commission him to fill out the time from the first Monday in May, 1889, until the regular election in August, 1890. Chairman to hold over.

And this Act shall take effect from and after its passage, the public welfare requiring it.

Passed March 22, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 26, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 133.

AN ACT to change the line between the counties of Williamson and Hickman.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the existing line between the counties of Williamson and Hickman be and the same is hereby so changed as to take from the said County of Hickman, and include within the County of Williamson, the land of James F. Buttry, hitherto lying in Hickman County, and being one hundred and Change of county line.

twelve acres (112), more or less—bounded on the east by said county line.

Passed March 22, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 26, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 134.

AN ACT to amend Sections 2439 and 2443 of the Code of Tennessee.

Code amended. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That Sections 2439 and 2443 be so amended as to include the Governor, Speaker of the Senate, and Speaker of the House of Representatives in the list of those authorized by law to solemnize the rights of matrimony.*

SEC. 2. *Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.*

Passed March 27, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 27, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 185.

AN ACT to define the offense of shooting into or at a railroad car,
and to punish the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whoever shall unlawfully, ^{Shooting into railroad cars.} willfully, or maliciously shoot into or at any railroad car upon which any person or persons may be at the time, with a loaded gun, pistol, or other dangerous weapon, within this State, such person or persons shall be declared guilty of a felony, and upon conviction shall undergo confinement in the penitentiary of this State for a period not less than one (1) nor more than five (5) years.

SEC. 2. *Be it further enacted*, That this Act take effect and be enforced from and after its passage, the public welfare requiring it.

Passed March 25, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 29, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 136.

AN ACT to repeal the charter of the town of Perryville, in Decatur
County, State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter of the town of ^{Charter repealed} Perryville, in Decatur County, Tennessee, be and the same is hereby repealed.

Conflicting
laws repealed.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 25, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 29, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 137.

AN ACT empowering courts having chancery jurisdiction to appoint administrators *ad litem*.

Chancery Court
to appoint ad-
ministrators.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all proceedings in the Probate and Chancery Courts, and any other courts having chancery jurisdiction where the estate of a deceased person must be represented, and there is no executor or administrator of such estate, or the executor or administrator thereof is interested adversely thereto, it shall be the duty of the Judge of the court in which such proceeding is had to appoint an administrator *ad litem* of such estate for the particular proceeding, and without requiring a bond of him, except in a case or cases where it becomes necessary for him to take control and custody of property or assets of the estate of his intestate. When he shall execute a bond with good security, as other administrators are required to give, in such amounts as the Chancellor or Judge may order before taking control and

custody of such property or assets, such appointment shall be made whenever the facts rendering it necessary shall appear in the record of such case, or shall be made known to the court by the affidavit of any person interested therein, and in such proceedings in the Chancery Court the Clerk and Master of such court shall have authority to make such appointment in vacation.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 25, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 29, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 138.

AN ACT appropriating money for the aid and benefit of the Western Hospital for the Insane, and to amend Chapter 74 of Acts of 1885.

WHEREAS, The report of the Building Commissioners and Medical Superintendent of Construction provided for in Section 3 in Senate Joint Resolution No. 3, in Acts of Extra Session, 1885, page 113, and Section 2 of the Acts of 1885, Chapter 74, for the erection of an insane hospital in West Tennessee, shows that the said building is nearly complete, and that the contracts for the construction thereof thus far

Preamble.

let cover the appropriations from the State Treasury made for that purpose; and,

WHEREAS, The immediate necessities of the insane demand, and the dictates of humanity require, that said institution should be completed, equipped, and furnished at as early a day as possible; therefore,

Hospital
structure.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That for the completion of said hospital structure the sum of twenty thousand dollars be and the same is hereby appropriated for that purpose.

Furnishing and
lighting.

SEC. 2. *Be it further enacted*, That the further sum of thirty-five thousand dollars is hereby appropriated for the purpose of furnishing and lighting said institution.

Sewerage, etc.

SEC. 3. *Be it further enacted*, That the further sum of ten thousand dollars is hereby appropriated for the completion of sewerage, the building of barn, and the stocking of farm and improvement of grounds of said institution.

Comptroller's
warrant.

SEC. 4. *Be it further enacted*, That the Comptroller of the State shall issue warrants on the Treasurer of the State for such amounts of said appropriations as from time to time the Building Commissioners now in charge of the erection of said structure, or their successors, may make requisition for under a written certificate.

Formally
receive.

SEC. 5. *Be it further enacted*, That upon the completion and furnishing of said institution the Building Commissioners shall notify the Governor of the State of the fact, who shall formally receive the same and deliver it to the Board of Trustees of said hospital.

General provi-
sions to con-
tinue in force.

SEC. 6. *Be it further enacted*, That the general provisions of Chapter 74 of Acts of 1885, regarding the duties of said Building Commissioners, and under the terms of Senate Joint Resolution No. 3, page 113, Acts Extraordinary Session, 1885, and of the superintending physician they may have appointed, shall continue in force under this Act until the work in their charge shall have been completed and delivered to the Governor as above provided.

SEC. 7. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 27, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 29, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 139.

AN ACT to give the Judge and Attorney-General power to disapprove all bills of costs of Justices when the prosecution is frivolous or malicious.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Judge and Attorney-General to carefully examine and inspect all bills of cost certified for payment by Justices of the Peace in which the State or county has been charged with the costs of criminal prosecution; and if it shall appear to the Judge and Attorney-General in any manner that the prosecution in which the State or county has been taxed with the cost by the Justice of the Peace is frivolous, malicious, or commenced to procure fees, it shall be the duty of the Judge and Attorney-General to disapprove and disallow said bill of cost, and no part of said cost shall be paid by the State or county in such case. Examination
of bill of costs.

Certificate not
conclusive.

SEC. 2. *Be it further enacted*, That the certificate of the Justice of the Peace trying a cause, that the prosecution is not frivolous, malicious, or set on foot to procure fees, shall not be conclusive on the Judge or Attorney-General, but they may, and it is hereby made their duty to inquire, and if it shall appear to them that the prosecution is frivolous, malicious, or commenced to procure fees, to disapprove said bills of cost as provided in the first section of this Act.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 26, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 29, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 140.

AN ACT to change the line between Hamilton and Rhea Counties so as to include all of the lands of Theodora Flora and Peter B. Clouse in Rhea County, Tennessee.

Change of
county line.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county line between Hamilton and Rhea Counties be so changed as to commence at a point where Theodora Flora's line crosses said county line, thence with the said Flora's original line with its different degrees, so as to include all of the lands of Theodora Flora and Peter B. Clouse (about thirty acres), in Rhea County.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 25, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 29, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 141.

AN ACT to change the line between the counties of Putnam and DeKalb.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county line between the counties of Putnam and DeKalb be so changed as to include the lands of Capt. Purtaman Jones and that of John H. Gamer, that lies in DeKalb County, to the county of Putnam. Change of
county line.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 25, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 29, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 142.

AN ACT to change the line between McNairy and Chester Counties.

Change of
county line.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the counties of McNairy and Chester be and the same are hereby so changed as to include all of that part of J. Short and Ben Smith's [land] which is now in McNairy County, in the county of Chester.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 25, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 29, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 143.

AN ACT to change the lines between Hardin and Chester Counties so as to include the lands of Neil Shelton in Chester Counties.

Change of
county line.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the lines between the counties of Hardin and Chester be and the same are hereby so changed that all of that part of the lands of Neil Shelton which are now included in Hardin County shall be included in the county of Chester.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 25, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 29, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 144.

AN ACT to extend the corporate limits of the town of Petersburg.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the corporate limits of the town of Petersburg, in the county of Lincoln, be and the same are hereby extended to the following limits, to wit: Beginning at the north-west corner of the Masonic lot, the same being the north-west corner of J. D. Marsh's tract of land, running thence north with west boundary line of lot owned by the Methodist Episcopal Church, South, to the Nashville, Chattanooga & St. Louis Railway track, thence in a north-east direction to include the lots of W. J. Hamilton, G. C. Morrison, J. C. Montgomery, and the livery stable to the middle of Cane Creek, thence down said creek to the north boundary line of the Nashville, Chattanooga & St. Louis Railway lot, thence south to the Petersburg and Norris Creek road, thence west with said road to the Nashville, Chattanooga & St. Louis Railway track, thence south with said track to hedge fence of P. B. Marsh, thence west with said hedge fence, crossing the Petersburg and Brick Church Turnpike to the east boundary line of J. D. Marsh, thence with said line in a northern direction to the beginning corner.

Conflicting
laws repealed.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 25, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 29, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 145.

AN ACT to authorize the Mayor and Aldermen of the town of Union City, Obion County, to borrow the sum of six thousand dollars, or such part thereof as they shall find necessary, for the purpose of erecting and furnishing, or assisting in erecting and furnishing, school buildings or additions to school buildings in said town, and to issue interest-bearing, negotiable bonds for said amount, and to levy and collect taxes for the payment of the same.

May issue
bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Mayor and Aldermen of the town of Union City, Obion County, be and they are hereby authorized and empowered to borrow the sum of six thousand dollars, or such part thereof as they shall find necessary, for the purpose of erecting and furnishing, or assisting in erecting and furnishing buildings, or additions to buildings, in said town, to be used as school buildings, for the use and benefit of children of school age in said town, and to this end said Mayor and Aldermen of the town of Union City are hereby authorized and empowered to issue negotiable interest-bearing coupon bonds to the amount of said sum of six thousand dollars, or such part thereof as they shall find necessary, and to negotiate and sell the same for the pur-

pose of raising the money to erect, furnish, and equip said school buildings, or additions to school buildings, or assist in doing so, for the use and benefit of said town. Said bonds shall be signed by the Mayor and Recorder of said town, and the corporate seal of said town shall be affixed to each before it shall be issued. Said bonds shall be issued in such denominations as the Mayor and Aldermen shall fix, and shall be payable at the end of ten years from the date of their issuance, or sooner, at the option of the Mayor and Aldermen, and shall bear interest at the rate of six per cent. per annum, payable semi-annually, to be evidenced by coupons attached to each of said bonds; but said bonds shall not be sold or disposed of at less than dollar for dollar of their face value.

SEC. 2. *Be it further enacted,* That before said bonds shall be issued the Mayor and Aldermen shall cause an election to be held by the City Marshal, in said town, to submit to the qualified voters therein the question, whether they are in favor of issuing said bonds or not, and said Marshal shall give thirty days' notice of the time, place, and purposes of said election, and if three-fourths of the votes cast at said election shall favor issuing said bonds, then said Mayor and Aldermen shall issue them as prescribed in the foregoing section; those in favor of the issuance of said bonds shall have printed or written on their tickets, "For the Bonds," and those opposed, "Against the Bonds."

Election as to bonds.

SEC. 3. *Be it further enacted,* That upon the issuance of said bonds, in conformity with the foregoing sections, they shall be a valid and binding debt and obligation of the corporation of Union City, and the Mayor and Aldermen of said town are hereby authorized and empowered to levy and collect annually, beginning with the year 1889, while said bonds or any of them are outstanding, a special tax, not exceeding the rate of twenty cents on the one hundred dollars assessed value of all the taxable property within the corporate limits of said town, and taxable under the laws of the State for corporation purposes, for the purpose of paying the interest on said bonds as it becomes due, and to create a fund with which to pay off and retire the bonds herein authorized to be issued.

To levy special tax.

SEC. 4. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed March 25, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 29, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 146.

AN ACT to amend the charter of the city of Jackson, Tennessee, as to empower said city to issue coupon bonds in an amount not to exceed one hundred thousand dollars, for the purpose of constructing a system of sewerage, to pave or gravel the streets, and to erect a stand pipe.

Charter
amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter of the city of Jackson, Tennessee, and acts amendatory thereof, be and the same are hereby amended so that the Mayor and Aldermen of said city, in their corporate capacity, shall have, and they are hereby vested with full power to issue, under the restrictions hereinafter provided, the interest-bearing coupon bonds of said city in an amount not to exceed, for all the purposes herein contemplated, the sum of one hundred thousand dollars, to be issued and used exclusively in the construction of a system of sewerage for said city, to pave or gravel the streets of said city, and to erect a stand pipe for the water-works system of said city.

Mayor and
Aldermen to
issue bonds.

SEC. 2. *Be it further enacted*, That said Mayor and Aldermen, under said restrictions, shall have power to issue any of said bonds for any one or more of said purposes, in such amounts and at such time or times as they shall deem best.

SEC. 3. *Be it further enacted,* That any and all bonds Denomination of bonds. issued at any time under this Act shall be of such denominations, bear such rate of interest not to exceed six per cent. interest per annum, and be due in such time, not less than five nor more than thirty years from date, and be payable at such times and places as the corporate authorities may determine.

SEC. 4. *Be it further enacted,* That none of the bonds Coupons receivable for taxes. provided for in this Act shall be sold for less than par, and the coupons, when due, shall be receivable for all taxes and dues to the corporation, except the water-works bonds tax, the Tennessee Midland Railway bonds tax, the school tax, or the "sinking fund tax" herein provided for the payment of the bonds contemplated by this Act.

SEC. 5. *Be it further enacted,* That before said Mayor Election to authorize bonds. and Aldermen shall issue any of the bonds contemplated by this Act they shall first order an election of the voters of said city and prescribe the rules and regulations therefor, and shall give notice of said election by publication in some newspaper published in said city at least once a week for three successive weeks, or by hand bills publicly posted for at least twenty days, specifying in such notice the amount of the bonds proposed to be issued and for which of the authorized purposes, and if two-thirds of the persons voting at such election are in favor of the proposed work or improvement, then the said Mayor and Aldermen may issue the bonds accordingly, to pay for the same, and have the work constructed; and said election may be held at any time, or as many times for any or all of said purposes as the said Mayor and Aldermen may deem necessary.

SEC. 6. *Be it further enacted,* That said Mayor and Interest, how paid. Aldermen shall each year levy a tax not to exceed twenty cents on one hundred dollars upon all the taxable property and privileges of said city to pay the interest on such bonds as may be issued hereunder, and to provide the necessary sinking fund to pay or redeem said bonds at or before maturity, the sinking fund to be used exclusively for the purpose levied.

SEC. 7. *Be it further enacted,* That before any of Sinking Fund Commissioners. said bonds shall be issued the said Mayor and Aldermen shall elect a board of three Commissioners, to be known as "Sinking Fund Commissioners," who shall hold office for three years, and until their successors

shall have been elected and qualified, and to be elected that one of said Commissioners shall be elected for one year, one for two years, and one for three years, and every year thereafter one shall be elected to serve three years. Said Commissioners shall, before entering upon the discharge of their duties, take an oath before a qualified officer faithfully to discharge their duties, and shall give bond in such sum and otherwise qualify themselves and receive such compensation as the ordinance of the corporation may prescribe and provide. Said Commissioners shall receive from the collector of taxes all the sinking fund tax, and shall invest the same from time to time in the bonds of the corporation here contemplated, and make settlements of their accounts in such manner and with such persons as the corporation may by ordinance direct; *provided, however,* that whenever such bond of the city is purchased or invested in by the Commissioners, they shall cancel the same in the presence of the Board of Mayor and Aldermen in such manner as may be determined by ordinance.

SEC. 8. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 25, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 29, 1889.

ROBT. L. TAYLOR,,
Governor.

CHAPTER 147.

AN ACT to extend the corporate limits of the City of Nashville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the corporate limits of the City of Nashville be so extended to the north of Jefferson Street to Madison Street, and to the west of lot No. 142, of the D. T. McGavock plan of lots as registered in Register's office, Davidson County, Book No. 10, pages 608 and 609, so as to include in the corporate limits of the city of Nashville lots Nos. 143 and 144 of said D. T. McGavock's plan, fronting upon the north side of Jefferson Street two hundred feet. Corporate limits extended.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 26, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 29, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 148.

AN ACT to authorize the several County Courts to permit the erection of gates across public roads of the third and fourth class.

Gates across
public roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the several County Courts be authorized and empowered to permit the erection of gates across public roads of the third and fourth class, when in their judgment it will be manifestly to the advantage of the applicant, and not materially to the prejudice of the public.

May be
removed.

SEC. 2. *Be it further enacted*, That it shall be required that the gates shall be of good and substantial material, and put up in a workman like manner, and kept in good repair, and the road shall be graded and metaled or crosswayed for thirty feet on each side of the gate, and if not kept in a good state of repair, may be removed by order of the overseer of the road upon which the gate is erected.

Conflicting
laws repealed.

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed March 16, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 29, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 149.

AN ACT to amend Chapter 15, Acts of Tennessee, 1887, so as to empower street railway companies to condemn private property for rights of way and easments thereon.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 1, chapter 15, of the Acts of Tennessee, 1887, passed February 21, 1887, entitled An Act to authorize street railway companies to extend their railways beyond the limits of the towns and cities in which they are located, and to condemn rights of way therefor as easments upon and over roads and turnpikes, be and the same is hereby amended so as to read as follows, after the word turnpike and just preceding the word provided, in the fourteenth line of said section, add the following: And said street railway companies shall have the power to condemn for rights of way and easments thereon private property subject to all the restrictions, obligations, and liabilities, as are imposed by existing laws as set forth in Sections 1325 to 1348 inclusive of the Code, being Sections 1549 to 1572 inclusive of Milliken & Vertrees' compilation of the laws of Tennessee, appertaining to the condemnation of private property for railroads and works of internal improvements. Act of 1887 amended; may condemn for right of way.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 22, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 29, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 150.

AN ACT to regulate the official terms of Commissioners of the Poor, and amend Section 1, Chapter 102, of the Acts of 1879.

Commissioners
of the Poor.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 1 of Chapter 102, Acts of 1879, be so amended as to provide that hereafter, in the selection of Commissioners of the Poor, the County Court shall choose one Commissioner to hold for the term of one year, another for the term of two years, and a third for the term of three years, and that after the first election under this Act the County Court shall annually elect one Commissioner, whose term of office shall be for three years.

Conflicting
laws repealed.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and that this take effect from and after its passage, the public welfare requiring it.

Passed March 22, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 29, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 151.

AN ACT to amend Section 1, of Chapter 42, Acts of 1873, being Section 16 of Milliken & Vertrees' compilation of laws of Tennessee, naming the newspapers in which the Acts of Assembly shall be published.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 1 of Chapter 42, Acts of 1873, be so amended that all Acts of Assembly, general in their nature and application, shall be printed in one newspaper in Knoxville, one in Nashville, and one in Memphis, as provided for, and all Acts of Assembly, special in their nature, and of local application, shall be printed in one newspaper in or nearest the county or locality in which the matter legislated upon is situated, or to which the Act applies. Printing of
public Acts.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 19, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 29, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 152.

AN ACT to change the time of holding the Circuit Court of Sumner County.

Change time of
holding Court.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the time for holding the Circuit Court of Sumner County be changed from the third Monday in June to the fourth Monday in June, and that all process be made returnable to the said fourth Monday in June.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 15, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 29, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 153.

AN ACT to create and regulate the office of County Judge for Campbell County, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there shall be elected by the qualified voters of Campbell County, a person to be styled the County Judge of Campbell County, and who shall be the County Judge of said county, who shall be thirty years old, and shall hold his office for a term of eight years from the date of his commission, said person to be a citizen of Campbell County, learned in the law and of good moral character.

Shall elect
County Judge.

SEC. 2. *Be it further enacted,* That the first election for County Judge for Campbell County shall be held at the same places and at the same time, and by the same officers that other county elections are held, on the first Thursday in August, 1890, and under the same rules and regulations that are prescribed by law for other county elections and subsequent elections (except vacancies which shall be filled when they occur, in the manner prescribed by law) on the first Thursday in August every four years thereafter.

Time and place
of holding election.

SEC. 3. *Be it further enacted,* That all the powers and jurisdiction now vested in and belonging to the Chairman of the County Courts of this State be and the same are hereby conferred upon the County Judge of Campbell County, that is hereafter to be elected by the qualified voters of said county, and the office of Chairman of Campbell County Court is hereby abolished from and after the first Monday in September, 1890.

Powers conferred on-
County Judge.

SEC. 4. *Be it further enacted,* That the County Judge of Campbell County shall have and exercise all the rights, powers, and jurisdiction over civil cases that are conferred by existing laws upon the County Judges of this State, and shall comply with all the requirements of and perform all the duties imposed by laws creating and regulating the powers and duties of County Judges of this State.

Rights and
powers of
County Judge.

SEC. 5. *Be it further enacted,* That the County Judge of Campbell County shall receive five hundred dollars annully as compensation for his services, and the several Quarterly Courts are hereby authorized to

Compensation.

make additional compensation to the Judge by appropriations for that purpose to such amounts as such Quarterly Court may deem right and proper, and said Judge shall be paid his compensation quarterly out of the County Treasury upon the Judge's own warrant, countersigned by the Clerk of the County Court.

County Clerk.

SEC. 6. *Be it further enacted*, That the County Court Clerk of said county shall be and continue the Clerk of the County Court, to be held by the County Judge, and shall have all the powers, jurisdiction, and authority now possessed by him, and it shall be the duty of said Clerk of said County Court to keep a docket of all the cases to be tried in said court as are now kept by the Clerks of the Circuit Court.

Duties of Clerk.

SEC. 7. *Be it further enacted*, That it shall be the duty of said County Court Clerk to enter upon said docket all suits, motions, and actions that may come before said court for trial, and all suits, motions, and actions shall be tried or otherwise disposed of in order as they appear on said docket.

Judge to practice in the Courts.

SEC. 8. *Be it further enacted*, That said County Judge shall not be precluded from practicing in the Supreme, Chancery, Circuit, and Criminal Courts in this State, but shall not be permitted to act as counsel in any case going up from his own court.

Oath and bond.

SEC. 9. *Be it further enacted*; That the County Judge of Campbell County shall be commissioned in the same manner as other Judges of the State, and before entering upon the duties of said office he shall take the oath prescribed by law and taken by other Judges of this State, and shall also enter into bond with two or more good securities in the sum of ten thousand dollars, conditioned faithfully to account for all moneys and county property that come into his hands as such County Judge.

Passed March 23, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 29, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 154.

AN ACT to change the line between the counties of Hamblen and Hawkins.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the counties of Hamblen and Hawkins be and the same is hereby changed so as to include the lands of James H. Moore, containing about seventy (70) acres, more or less, in the county of Hamblen. Change of
County line.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 29, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 155.

AN ACT to provide for the control and management of the jail and work-house of Montgomery County, and the prisoners therein; to provide for the election of Commissioners and Superintendent of the same, define their duties, and fix their compensation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That at the April term, 1889, of the Quarterly Court of said county, and at the January term each year thereafter, there shall be elected three Commissioners, householders or freeholders of the county, who, with the County Judge, Jail and Work-
house Commis-
sioners.

shall act as jail and work-house Commissioners, and shall have complete control and supervision over the institution. They shall be authorized to employ a competent physician to attend the inmates, and shall examine and approve all accounts for medicines, clothing, and supplies before the same are paid. They shall be authorized to work the prisoners on the public roads of the county, with the consent of the Road Commissioners of the districts in which the work is to be done, and to place them at any other employment not dangerous to life nor injurious to health. Said Commissioners shall keep a strict account of all expenses of said jail and work-house, and shall make reports four times a year to the Quarterly Court of the county showing precise cost of the same to the tax payers, which report shall be spread upon the minutes of the Court. As compensation for their services, the Commissioners shall receive, each, the sum of forty dollars per annum, to be paid out of the county treasury. The County Judge, for his services as one of said Commissioners, shall receive no extra compensation.

Superintendent
of jail and
work-house.

SEC. 2. *Be it further enacted*, That the County Court shall elect a Superintendent of said jail and work-house, who shall be subject to the control and direction of the Commissioners. Such Superintendent shall have custody of all prisoners, State and county, and shall receive for the board of State prisoners such compensation as is now, by law, allowed the Sheriff in those counties in which the Sheriff has charge of the jail; and for boarding, guarding, and superintending while at work the county prisoners, he shall receive such compensation as may be allowed him by the Commissioners, not to exceed the compensation now fixed by law for boarding alone; *provided*, the Sheriff shall have the right to the place himself, but not by deputy, and if the present Sheriff shall elect to fill the office, he shall notify the County Judge, within ten days after the passage of this Act, of such intention; and Sheriffs hereafter elected shall give such notice on or before qualification. The Commissioners may suspend or remove the Sheriff or other incumbent of the place for good cause, subject to the approval of the Quarterly Court at its next term, and upon such suspension or removal, the incumbent so removed shall

surrender the place to the appointee of the Commissioners or Court, who shall hold pending further contest. The Commissioner may fill, by appointment, any vacancy that may occur, until the meeting of the next Quarterly Court, when an election shall be held.

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it. Conflicting laws repealed.

Passed March 29, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 30, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 156.

AN ACT to prohibit catching fish and killing fowls in or on the waters of Reelfoot Lake.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be unlawful for any non-resident of the State of Tennessee to catch fish or kill fowls in or on the waters of Reelfoot Lake, including inlets and outlets. Unlawful to catch fish and kill fowls.

SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty nor more than one hundred dollars for each and every offense, said fine, when collected, to be applied to the public school fund of Obion County. Penalty.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 25, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 1, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 157.

AN ACT to amend an Act passed January 29, 1879, entitled "An Act to establish taxing districts in this State, and to provide the means of local government for the same," and the Acts amendatory thereto, so as to provide for the establishment of improvement districts within such taxing districts, to construct pavements, sewers, etc., and to authorize said taxing district to levy and collect taxes for the same.

Improvement
Districts.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all taxing districts organized under the provisions of the Acts of 1879 (Act of 1879, Ch. XI), and the Acts amendatory thereof, the whole, or designated portions of the territory embraced therein, shall constitute one or more improvement districts for the purpose of opening, widening, grading, paving, and otherwise improving streets and alleys, constructing sewers, or making any local improvements of a public nature, when so declared in the manner hereinafter set out; and such taxing districts are hereby authorized and empowered, any provision of former laws to the contrary notwithstanding, to levy, assess, and collect taxes in the manner, to the extent, and for the purposes herein-

after provided, but not further or otherwise carrying out the provisions of this Act.

SEC. 2. *Be it further enacted*, That whenever any ten resident owners of real property in any such taxing district shall petition the Legislative Council of such taxing district to take steps toward the making of any such local improvement, it shall be the duty of said Council to lay off at once the portion of such taxing district to be affected, locally, by such desired improvement, and designate it by boundaries, number, and the object of the improvement proposed; *provided*, that such Council shall first vote upon and approve the object proposed by such petition as to its timeliness and feasibility, and also fix the practical details of the improvement as to time and mode of execution, material to be used, the maximum cost thereof, and the terms of payment therefor.

Council to lay off improvement district.

SEC. 3. *Be it further enacted*, That whenever the Legislative Council shall, in accordance with Section 2 of this Act, designate an improvement district, the secretary shall publish the order, or ordinance designating it, in one or more of the newspapers published in said taxing district for one insertion. If within three months after the publication of such order or ordinance a majority in value as then assessed of the owners of taxable real property within the district so designated, shall present to the Legislative Council a petition praying that such improvement, as set out in such order or ordinance, or with such changes or amendments as such property owners may in such petition suggest be made, and the one-half of the cost thereof be assessed and charged upon the real property in such improvement district, the said Legislative Council shall, at its first meeting thereafter, act upon such petition, and approve or disapprove any changes or amendments that may have been suggested as aforesaid. If they approve, then such suggestions or amendments shall be, by force of such approval, incorporated into the original order or ordinance. If they disapprove, the matter shall go no further unless such petitioners shall choose to present another petition conforming to the views of the council. When the council shall approve, they shall proceed at once to ascertain the estimated cost of the improvement, and shall, by ordinance, assess one-half of such cost upon the real property in such

Order to be published.

improvement district, assessing each parcel of real property according to its value as shown by the last county assessment. If the estimated cost of the improvement shall exceed one per cent. of the assessed value of the real property aforesaid, then it shall be provided by ordinance that the assessment shall be paid in successive annual instalments, so that no assessment shall, in any one year, exceed one per cent. of the assessed value of said real property for such particular improvement; *provided*, that no single improvement shall be undertaken which alone will exceed in cost five per cent. (5 per cent.) of the value of such real property in such improvement district. The ordinance contemplated may be in the following form: "Whereas, the majority in value of the owners of real property in improvement district No. —, organized for the purpose of —, have petitioned the Legislative Council of the taxing district of —, for the construction of such improvement, and that one-half of the cost thereof should be assessed upon the real property of such improvement district and —. Whereas, the estimated cost of said improvement is — dollars, amounting to — per cent. of the assessed value of the said real property; *therefore*, it is now ordained by the said council that all the real property situated in such improvement district No. — be assessed at the rate of — per cent. on the dollar of the assessed valuation as the same appears by the assessment made by the Assessor of this county in the last county assessment, which assessment shall be paid as other taxes of said taxing district are paid, so that not more than one per cent. upon the dollar of the assessed value of said real property shall be paid in any one year. And such assessment shall be a charge against and a lien on the lands named therein from the date of said ordinance."

Form of
Ordinance.

Objection to
assessment.

SEC. 4. *Be it further enacted*, That within five days after the passage of the ordinance mentioned in the latter part of the preceding section of this Act the Secretary shall publish a copy of it one time in some newspaper published in the said taxing district, and any one who may feel aggrieved thereby may object to the assessment, and such person so objecting shall commence legal proceedings for the purpose of trying the validity of said assessment within twenty days after the date of said publication, or else he shall be

forever barred in all courts of law or equity from questioning the validity of the assessment and the lien created thereby.

SEC. 5. *Be it further enacted*, That if the assessment first levied shall prove insufficient to complete the improvement, the Legislative Council shall make another assessment on the property previously assessed for one-half of the sum sufficient to complete the improvement, which shall be collected in the same manner as the first assessment; *provided*, that when any work has been begun under the provisions of this Act, which shall not be completed and paid for out of the first assessment, it shall be the duty of said Council to make such assessment of one-half of the amount necessary for its completion from year to year until five per cent. on the value of the real property in such improvement district, as ascertained from the last county assessment before making it, shall be collected and consumed, along with the one-half to be otherwise paid, in such improvement, unless it be sooner completed; and the performance of such duty may be enforced by mandamus at the instance of any person interested.

Insufficient
assessment.

SEC. 6. *Be it further enacted*, That in ascertaining whether the petition for improvement of any kind is signed by a majority of the owners in value of the real taxable property of the improvement district, the Council shall take and be governed by the valuation placed upon the property as shown by the last county assessment. Women, married or single, may sign the petition; guardians may sign for their wards, and executors and administrators may sign for the estate represented by them. In case of omission, error, or mistake in making such assessment or levy in respect to the total cost of the improvement or deficiencies, or otherwise, it shall be competent for the Council to make a supplemental levy or assessment to supply such omission, errors, or mistakes.

Women, etc.,
may petition.

SEC. 7. *Be it further enacted*, That the tax assessed under the provisions of this Act shall be collected at the same time and in the same manner that other taxes assessed for the uses of said taxing districts are collected, and all laws in relation to the collection of such other taxes shall apply to and be enforced as to the collection of the tax assessed under the provisions of this Act.

Time and man-
ner of collect-
ing taxes.

Legislative
Council to
supervise all
work.

SEC. 8. *Be it further enacted*, That one-half of the cost of improvements to be made under the provisions of this Act shall be appropriated and paid by the Legislative Council out of the taxes levied by general laws in such taxing districts for the particular kind of improvements proposed. And no improvement shall be undertaken under the provisions of this Act of a kind or for a purpose for which there is not a tax levied in such taxing districts under their budgets, by general laws. And improvements shall not be undertaken under the provisions of this Act, so numerous or extensive that one-half of the cost thereof cannot be provided out of the taxes so levied by general laws for such taxing districts, for the particular kind of improvement proposed. All work done under the provisions of this Act shall be done under the supervision, direction, contracts, and control of the Legislative Council, and subject to all laws governing said taxing districts as to the particular work undertaken. The contracts and the contractors for such work shall look alone to the tax assessed under this Act for one-half of the cost thereof, and shall look alone to the Budget Tax for the other one-half under the provisions of law governing said taxing district. But said taxing districts may, in the discretion of the Legislative Councils, appropriate, when they may choose, to improvements under this Act, any unappropriated surplus or part thereof which may be properly so appropriated. Nothing in this Act shall be construed as authorizing said taxing districts to create debts or assume pecuniary obligations, except as provided for by the laws under which said taxing districts exist.

Street railroads
to comply with
contract.

SEC. 9. *Be it further enacted*, That the provisions of this Act shall in nowise affect or interfere with the liability of street railroads by law, or under contracts made by them with such taxing districts to pave or repair streets, or portions of streets, upon which their lines are located. Street railroads shall still be required to perform their legal or contract liabilities just as if the improvements were being made independently of this Act. And the cost of so much of the proposed improvement as such street railroad shall be bound for by law, or, by their contracts shall be deducted from the whole cost, so as to leave only the remainder of the cost of the improvement to be paid

by the taxing district and the property owners under the foregoing provisions of this Act and in the proportions hereinbefore specified.

SEC. 10. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 25, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 1, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 158.

AN ACT to allow railway corporations chartered under the general laws of the State of Tennessee to amend their charters of incorporation so as to authorize them to build branch roads from their main stems.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That any railway corporation chartered under the general laws of the State of Tennessee which may desire to build a branch road or branch roads from its main stem shall have the right to do so by the Board of Directors of said corporation copying said amendment and making an application in these words: May build branch roads; application for amendment.

STATE OF TENNESSEE—ACT OF INCORPORATION.

We, the undersigned, comprising the Board of Directors of (here insert the name of the corporation), apply to the State of Tennessee, by virtue of the general laws of the land, for an amendment to said char-

ter of incorporation, for the purpose of investing said incorporation with the power to build or construct (here insert a branch road or branch roads) from (here insert the point or points from which the branch road or branch roads will leave the main stem) to (here insert the point or points at which the branch road or branch roads will terminate).

Witness our hands the — day of — (to be signed by the Board of Directors).

Probated.

SEC. 2. *Be it further enacted*, That this instrument shall be probated or acknowledged, and registered as original charters of incorporation are now required, and be probated or acknowledged and registered under the general laws of the land, and the certificate of registration given by the Secretary of State under the great seal of the State shall complete the amendment to said act of incorporation, and the validity thereof shall not in any legal proceeding be collaterally questioned.

Must pay taxes.

SEC. 3. *Be it further enacted*, That nothing in this Act shall be so construed as to make it lawful for any railway incorporation to purchase or consolidate itself with any competing line of railway, whether constructed or in course of construction; *provided*, that nothing in this Act shall be construed to exempt railroad companies from paying State, county, or municipal taxes upon such extensions or branches.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 25, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 1, 1889.

ROBT. L. TAYLOR.
Governor.

CHAPTER 159.

AN ACT to protect the travel on the public highway.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of any person or persons using or operating a traction engine on the public highway, for the purpose of drawing threshing or other machines, to keep a watchman at least two hundred yards in advance of said engine for the purpose of notifying any person traveling on the public highway of the approach of said engine. ^{Must keep watchman in front.}

SEC. 2. *Be it further enacted*, That it shall be the duty of said person or persons running said engine to stop the same and stop all unnecessary noise on the approach of any wagon, buggy, or horseman until the same shall have passed. ^{Duty to stop machine and noise.}

SEC. 3. *Be it further enacted*, That any one violating the provisions of this Act shall be liable for all damages caused by such violation. ^{Damages.}

SEC. 4. *Be it further enacted*, That any violation of Sections 1 and 2 of this Act shall be declared a misdemeanor, and be punishable as other misdemeanor cases. ^{Misdemeanor.}

Passed March 26, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 1, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 160.

AN ACT changing the time of holding the Circuit Courts in the counties of Scott and Fentress in the Third Judicial Circuit.

Time of holding court.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That Chapter 20 of the Acts of 1885, Extra Session, be so amended that the Circuit Courts for the counties of Scott and Fentress shall be held as follows, viz.:*

At Huntsville, in Scott County, on the second Mondays in March, July, and November.

At Jamestown, in Fentress County, on the first Mondays in April, August, and December.

SEC. 2. *Be it further enacted, That after one term of Court in each of said counties under the laws now in force shall have passed, all process from said Courts shall be returnable to the times fixed by this Act.*

Process returnable.

SEC. 3. *Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.*

Passed March 29, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 1, 1889.

ROBT. L. TAYLOR,
Governor.



CHAPTER 161.

AN ACT to amend Section 4652, Subsection 16 of the Code of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 4652 and Subsection 16 thereof, of the Code of Tennessee, be so amended as to read: That it is hereby declared to be a felony for any one to enter upon the inclosed lands of another and remove from the stalks the ears of corn growing thereon, or attached thereto, for the purpose of depriving the owner thereof, and appropriating to his own use. Code amended.

SEC. 2. *Be it further enacted*, That any person guilty of a violation of the provision of the first section of this Act shall, upon conviction thereof, be confined in the penitentiary for a period of one year, or in the county jail for any period less than one year, at the discretion of the jury trying the cause. Penalty for violation.

SEC. 3. *Be it further enacted*, That nothing in this Act shall be so understood as to prevent any person having an interest in said corn from gathering the same, to be stored or sold, or for individual use. Rights of interested party.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 27, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 1, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 162.

AN ACT to amend Sections one, eight, and nine (1, 8, and 9), of an Act entitled "An Act to incorporate the Middle Tennessee Insurance Company at Lebanon, and for other purposes," passed March 24, 1860, so as to change the name of the "Middle Tennessee Insurance Company, at Lebanon," to "The Southwestern Insurance Company, of Memphis," and to enable said company to remove its *situs* and office to the Taxing District of Shelby County, Tennessee.

Act of 1860
amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 1 (one) of the Act passed March 24, 1860, entitled an Act to incorporate the Middle Tennessee Insurance Company at Lebanon, and for other purposes, be so amended as to change the name of "The Middle Tennessee Insurance Company at Lebanon," to "The Southwestern Insurance Company of Memphis," and that said company be authorized to remove its *situs* and office to the Taxing District of Shelby County, Tennessee.

Change of corporate name.

SEC. 2. *Be it further enacted*, That Sections eight and nine (8 and 9) of said Act, mentioned above, be and the same are hereby amended by striking out the words "Town of Lebanon," and "City of Nashville," wherever they occur in said sections, and inserting in their place and stead the words, "Taxing District of Shelby County, Tennessee."

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 26, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 1, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 163.

AN ACT to amend the charter of the Taxing District of Shelby County, created and organized under an Act entitled "An Act to establish taxing districts in this State, and to provide the means of local government for the same, and the acts amendatory thereof."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 3 of said original Act be and the same is hereby amended in the respects following: Charter amended.

1. To empower the municipality to compel all owners, tenants, or occupants of improved property in all instances necessary to good sanitation to construct water closets, slop sinks, and other sanitary appliances, and to connect the same with the water and sewer mains; to confer power on said municipality to appoint an inspector of all such work, provided that whenever any tenant or occupant shall be required, under any ordinance of the district, to lay a pavement, make sewer connection, or do any other thing of which the district has the power to compel the performance, such tenant or occupant shall have a lien upon the property occupied for reimbursement and reasonable attorney's fees, if the primary obligation to do the same was on the landlord, said lien to be enforced by attachment proceedings in any court of competent jurisdiction, and to date only from the commencement of such proceedings as against other lien creditors or assigns of the owner, and the tenant or occupant may, when so entitled under the general principles of the law of set off, use such claim against his liability for rent.

SEC. 2. *Be it further enacted*, That Section 7 of said Act of 1879, and Section 4 of the Act of 1881 be amended by striking out the figures \$100 in the last line of said Section 4, and in lieu thereof insert the figures \$300. Acts of 1879 and 1881 amended.

1. To regulate, control, and provide for the inspection of all steam boilers used in the said municipality, including locomotive engines, to prevent the introduction of all such as are unsafe, and to appoint an inspector of boilers, to be paid out of the salary account by the municipality.

2. To empower said municipality to regulate and control plumbers and plumbing works, and to enforce efficiency of same.

3. To empower said municipality to accept of any money or property for the purpose of any public or corporate use.

4. By adding after the word "unhealthy," in the twenty-third line and seventeenth page of said original Act, as printed, the words "unsanitary or dangerous to persons or property," and by adding after the word "abated" on the next line thereto, the words "or removed," and by striking out the word "off" in the thirty-first line of said page 17 and inserting the words, "or safety to persons or property within," and by inserting after the word "erection," in the third line of the eighteenth page of said Act, the words "maintenance or occupancy," and by striking out the words "other improvements" in the fourth line of said page 18 and inserting in lieu thereof the words "persons or property," and by adding after the words "market and market-houses" on the seventh line from the foot of the eighteenth page of said Act, as printed, the following: "To control and regulate the sale of fresh meat, whether on foot or killed, and to appoint an inspector for the purpose."

Police.

SEC. 3. *Be it further enacted*, That Section 5 of the original Act aforesaid be and the same is hereby amended so as to provide that the day and night police may consist of one policeman to every 750 inhabitants by the Federal Census of 1870.

Fire and Police
Commissioners

SEC. 4. *Be it further enacted*, That Section 7 of the original Act aforesaid be and the same is hereby amended so as to authorize the Fire and Police Commissioners, by and with the consent of the Board of Public Works, to specifically contract against any fund which the Legislative Council has power to appropriate to the purposes of such contract.

Privilege tax,
how applied.

SEC. 5. *Be it further enacted*, That Section 9 of the original Act aforesaid be and the same is hereby amended by striking out all of said section after the words "all money derived from fines and forfeitures," and inserting in lieu thereof the following: "All privilege taxes in and for said district shall permanently, and until otherwise enacted, be applied to the paving of streets and construction of sewers and the drainage of the territory; *provided, however*, that so

much of the taxes on merchants' capital and privileges as may be necessary to secure prompt payment of wages to the police and firemen may be temporarily appropriated to the payment of such wages, whether the same be due for the current or preceding year, but such appropriation shall be deemed a loan only to said fire and police departments, to be repaid by said departments to the sewer and drainage departments. All money derived from fines and forfeitures, market and other rents, and inspectors' fees, shall be paid over to the said Trustee and held for payment of salaries of Commissioners and any other municipal officer, and for any other legitimate municipal purpose or expense; said taxes shall be collected by the County Trustee in the lawful money of the United States, as other State taxes are collected, each fund by him to be kept separate and to be paid out by him for the purpose specified upon the warrant of two of said Commissioners. In no other case shall the fund collected for our purpose be used for any other, nor shall said Commissioners issue any warrants unless the money is in the hands of the Trustee at the time to redeem them under penalty of being personally liable for the amount recoverable by the holder of the warrant.

SEC. 6. *Be it further enacted*, That Section 10 of the original Act aforesaid be amended by striking out the words "six days" in the ninth line of said section and inserting in lieu thereof the words "one week."

Section 10
amended.

SEC. 7. *Be it further enacted*, That Section 12 of the original Act aforesaid be and the same is hereby amended so as to authorize the Legislative Council of said municipality to appropriate all delinquent taxes (except school, interest, and sinking fund taxes) against which no demands are outstanding, and the purposes of which have been fulfilled and satisfied, to any proper corporate purposes; to empower said Legislative Council, at the end of each calendar year thereafter, to declare all such delinquent taxes, with the exception aforesaid, a surplus fund, and to direct that the same, as collected, be carried in bulk into the surplus account, subject to appropriation by said Legislative Council to pay any proper claim against the municipality or for any other municipal purpose; and said section is further amended by adding after the words "for that year," in the eighth line of said sec-

Council to appropriate
delinquent tax.

tion, as printed, the words, “or to the fund specifically contracted against.”

Commissioners
to report to
Governor.

SEC. 8. *Be it further enacted*, That Section 13 of the original Act aforesaid be and the same is hereby amended so as to read as follows: Said Commissioners shall make to the Governor a biennial report within thirty days after the convening of the regular session of the Legislature, showing in detail all their Acts and doings, and all their expenditures in each of the several departments, and the amount of work accomplished in each, and the said Commissioners shall require of the County Trustee monthly reports of his collections under this Act, and to balance his books monthly with the taxing district books to see that they are correct, and the funds properly accounted for; *provided*, that no budget shall be considered by the Legislature until said biennial report shall have been filed with the Governor.

Attorney to
collect delin-
quent tax.

SEC. 9. *Be it further enacted*, That Section 14 of the original Act aforesaid be and the same is hereby amended by adding thereto the following: “Said municipality shall have power to appoint and employ an attorney to collect any and all delinquent taxes that may be due it, and may fix the compensation of said attorney at not more than ten per cent. of the collections made by him, such compensation so fixed to be charged upon and paid by persons owning the property from whom such delinquent taxes may be collected; *provided*, that when bills are already pending for the collection of State or county revenue, and the same persons or property are also delinquent to the municipality, then petitions for the collection of said delinquencies shall be filed in the suits already pending; *provided, further*, if the attorney representing the municipality files independent bills when suits for the collection of revenue are already pending against the same persons or property, then the defendants in said municipal bill, or the owners of property against which the bill is filed, may, by motion in the Court where said bill is filed, have the suit abated at the cost of the attorney representing the municipality.

President.

SEC. 10. *Be it further enacted*, That Section 10 of the original Act aforesaid be and the same is hereby amended by striking out the word “Chairman” whenever the same therein occurs, and inserting in

lieu thereof the word "President," and by further providing that the health officer therein named may be paid a compensation of not more than eighty dollars (\$80) per month.

Sec. 11. *Be it further enacted*, That Section 16 of the original Act aforesaid be and the same is hereby ^{Executive} amended by striking out the whole of said section ^{officer.} and inserting in lieu thereof the following: The President of the Board of Fire and Police Commissioners shall be the executive officer of the taxing district. He shall see that all laws of the taxing district are enforced. The head of each department shall audit all accounts against it, but before payment they shall be acted upon and approved by at least two of the Board of Fire and Police Commissioners, and said Board shall require a like statement as heretofore submitted to the Quarterly Court, to be published in January, April, July, and October of each year, in some newspaper in the taxing district. All sessions of this Board, whether stated or called, shall be open and held in any suitable building in the taxing district belonging to the public, or in the County Court room of the courthouse of the county at such time as the court room is not being used by the County Court. In case of the temporary absence or inability to act, of the President of the Board of the Fire and Police Commissioners, the Vice-president of said Board shall discharge, for the time being, the duties of the President of the Board, and in the case of the absence, sickness, or inability to act, of both the President and Vice-president, the duties shall be discharged by the other Commissioner. The Legislative Council shall have power to remove either of said Commissioners or either member of the Board of Public Works for malfeasance or misfeasance in office, or habitual drunkenness, or grossly immoral conduct. In case of permanent physical or mental incapacity to serve, or removal from the district without the consent of the Legislative Council, the said Legislative Council shall declare the said office vacant. The President of the Board of the Fire and Police Commissioners shall furnish all books and stationery necessary for the use of the taxing district, which shall be paid for out of the taxes provided for the support of the department for which said books and stationery may be furnished.

Condemnation
of private
property.

SEC. 12. *Be it further enacted*, That Section 20 of the original Act aforesaid be and the same is hereby amended so as to declare the power of condemnation, therein conferred, applicable to the condemnation of private property to be used in the erection of public buildings for the municipality or otherwise.

Digest of laws.

SEC. 13. *Be it further enacted*, That Section 21 of the original Act aforesaid be and the same is hereby amended so that the last paragraph thereof shall read as follows: "A digest of the local laws shall be prepared at least once in five years, and oftener if deemed necessary by the Board of Fire and Police Commissioners, which digest may be read as evidence in all Courts of the State without further proof of the laws contained in such digest.

Commissioners
to reimburse.

SEC. 14. *Be it further enacted*, That the Fire and Police Commissioners, or a majority thereof, of the said taxing district, upon undoubted proof, to be filed and established, may audit the claim, and at their option reimburse or pay any person or citizen who may have erroneously or wrongfully paid money into the taxing district treasury, from any cause whatever; and where money is or was due, but withheld owing to dispute, or to any uncertainty as to the justice of the demand or claim for same, they may return or pay it to the proper person, or persons, the action of the said Fire and Police Commissioners, or a majority thereof in the premises, to be a final adjudication of the matter. The said reimbursements or payments shall be paid out of the current fund of the department which may have received the benefit of such payment or claim, or out of any unappropriated moneys that may be in the taxing district treasury: *provided*, said application shall be made within two years after the right to make such claim shall exist.

SEC. 15. *Be it further enacted*, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.
BENJ. J. LEA,

Speaker of the Senate.

Approved April 1, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 164.

AN ACT to change the term of office of the Mayor and Board of Aldermen of the town of McMinnville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Acts of the General Assembly of the State of Tennessee creating the corporation of the town of McMinnville be so amended that at the next regular election to be held on the 1st Saturday after the 1st Monday in May, 1889, for Mayor and Aldermen, there shall be a Mayor elected for said corporation, who shall hold his office for two years, and ever thereafter the Mayor shall be elected every two years. Change of time of holding election.

SEC. 2. *Be it further enacted,* That at said election there shall be three Aldermen elected for said corporation who shall hold their office for one year, that there shall be three Aldermen elected for said corporation who shall hold their office for two years, and ever thereafter there shall be three Aldermen elected for said corporation every twelve months. Term of office.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Passed March 26, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 1, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 165.

AN ACT to repeal and annul the Charter of Bradford, Gibson County, Tennessee.

Charter
abolished.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter of the town of Bradford, Gibson County, Tennessee, as chartered and incorporated under the laws of Tennessee, be and the same is hereby annulled and repealed.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 30, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 2, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 166.

AN ACT to empower water companies in this State to acquire, by purchase or otherwise, the property and working franchises of other water companies.

May purchase
franchises.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases where there are two water companies chartered by special law, or under the general laws of this State, in any of the towns or cities of this State, and it becomes necessary or desirable for one of said companies to acquire, by purchase or otherwise, the property and working

franchises of the other corporation, in order to enable it the better to carry out its duties under its charter and to comply with any contract or contracts which it may have entered into for public and private supply of the city or town in which it is located, and the inhabitants thereof, that such corporation shall have, by and with the consent and approval of the municipal authorities in the town or city in which such corporations are located, the power, and is hereby authorized to acquire, by purchase or otherwise, the property and working franchises of such other corporation, including its realty, its pipes, all its connections, its engines, its pumps, and all else that pertains and belongs to such other corporation, as a part of its corporate property, the same to be held, owned, enjoyed, and operated by the purchasing company under its own charter, just as if it had originally built or acquired said property under its own charter; *provided*, that nothing in this Act shall authorize one water company to purchase the corporate property and working franchises of another company when the same are being operated and run in competition with each other.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 30, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 2, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 167.

AN ACT to change and fix the time of holding the Circuit Courts of the Fourth Judicial Circuit of Tennessee, to prescribe the mode and manner of disposing of business in Hamilton County Circuit Court, and to repeal all laws in conflict with this Act.

Times and
places of hold-
ing court.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Circuit Courts for the Fourth Judicial Circuit shall be held at the following times and places:

Hamilton—First Mondays in January, May, and September.

Bledsoe—Third Mondays in March, July, and November.

Sequatchie—Fourth Mondays in March, July, and November.

Rhea—First Mondays in April, August, and December.

Marion—Third Mondays in April, August, and December.

Bonds and
process.

SEC. 2. *Be it further enacted*, That all bonds shall be taken, and all process heretofore or hereafter issued shall be and are hereby made returnable to the Courts at the times and places fixed for holding the same in the foregoing provisions of this Act.

Clerks to open
Courts and take
recognizances.

SEC. 3. *Be it further enacted*, That the clerks of Circuit Courts in all the counties in which the time of holding the Courts are changed by this Act shall, at the times fixed, and preceding the times as fixed by this Act, open Courts, and in all criminal cases take recognizances from defendants therein to the next term of Court thereafter as fixed by this Act, and if such defendants fail to appear and enter into recognizances for such appearance, then the Clerk shall call out and enter up in due form judgment by default, and forfeiture against such defendants, and issue *scire facias* against said defendants and their sureties, returnable to said next term, and thereupon adjourn the Court to said next term, as fixed by this Act, without the presence of the Judge, in the same manner as if the Judge were present at the time.

Duty of Circuit
Judge.

SEC. 4. *Be it further enacted*, That in Hamilton County Circuit Court it shall be the duty of the Circuit Judge, before the meeting of each term of the

Circuit Court, to apportion and divide between the civil and criminal dockets the time to be consumed in the trial of each, and during the hearing of the criminal docket no motion, plea, demurrer in a civil case shall be made, heard, tried, or disposed of, and no civil case tried as is now provided by law.

SEC. 5. *Be it further enacted*, That all laws or parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it. Conflicting laws repealed.

Passed March 30, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 2, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 168.

AN ACT to amend an Act entitled "An Act to regulate the business of fire and all other except life insurance companies."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 2 of an Act entitled "An Act to regulate the business of fire and all other except life insurance companies," is amended by inserting after the word "capital," "*provided*, that companies organized to insure glass against accidental breakage exclusively shall not be required to have a greater capital than one hundred thousand dollars." Amount of capital necessary.

SEC. 2. *Be it further enacted*, That Section 3 of an Act entitled "An Act to regulate the business of fire and all other except life insurance companies," is Amount of deposit.

hereby amended by inserting after the word “dollars,” “*provided, that companies organized to insure glass against accidental breakage exclusively shall not be required to have a greater deposit than one hundred thousand dollars.*”

SEC. 3. *Be it further enacted, That this Act shall take effect from and after its passage, the public welfare requiring it.*

Passed March 30, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 2, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 169.

AN ACT to amend an Act entitled “An Act to amend Section ten (10) of an Act passed March 3, 1854, incorporating the city of Jackson, in Madison County, so as to confer upon the Recorder of said city jurisdiction of a Justice of the Peace in all cases of a violation of the criminal laws of this State within the corporate limits of said city.”

Acts of 1879
amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That Section one (1) of the above entitled Act, passed March 6, 1879, be and the same is hereby amended so as to read as follows:*

Section as
amended.

SECTION 1. That the Mayor and Recorder of the city of Jackson be and they are hereby invested with concurrent jurisdiction of a Justice of the Peace, in all cases of violation of the criminal laws of the State within the corporate limits of said city, and they shall be entitled to receive the same fees as Justices of the Peace in such cases.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 30, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 2, 1889.

ROBT. L. TAYLOR.
Governor.

CHAPTER 170.

AN ACT to repeal the Charter of Lone Mountain, in the County of Claiborne, State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Charter of the town of Lone Mountain, in the county of Claiborne, State of Tennessee, is hereby repealed. ^{Charter repealed.}

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 30, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 2, 1889.

ROBT. L. TAYLOR,
Governor.

hereby amended by inserting after the word “dollars,” “*provided*, that companies organized to insure glass against accidental breakage exclusively shall not be required to have a greater deposit than one hundred thousand dollars.”

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed March 30, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 2, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 169.

AN ACT to amend an Act entitled “An Act to amend Section ten (10) of an Act passed March 3, 1854, incorporating the city of Jackson, in Madison County, so as to confer upon the Recorder of said city jurisdiction of a Justice of the Peace in all cases of a violation of the criminal laws of this State within the corporate limits of said city.”

Acts of 1879
amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section one (1) of the above entitled Act, passed March 6, 1879, be and the same is hereby amended so as to read as follows:

Section as
amended.

SECTION 1. That the Mayor and Recorder of the city of Jackson be and they are hereby invested with concurrent jurisdiction of a Justice of the Peace, in all cases of violation of the criminal laws of the State within the corporate limits of said city, and they shall be entitled to receive the same fees as Justices of the Peace in such cases.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 30, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 2, 1889.

ROBT. L. TAYLOR.
Governor.

CHAPTER 170.

AN ACT to repeal the Charter of Lone Mountain, in the County of Claiborne, State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Charter of the town of Lone Mountain, in the county of Claiborne, State of Tennessee, is hereby repealed. ^{Charter repealed.}

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 30, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 2, 1889.

ROBT. L. TAYLOR,
Governor.

hundred and eighteen dollars, by J. F. J. Lewis, on account of money collected by him as County Court Clerk of Knox County, in the month of March, 1877, and not paid over, and by direction of Comptroller James N. Nolen, entered and prosecuted a suit in the Circuit Court of Knox County, Tennessee, about said default: therefore,

Comptroller to
draw warrant.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sum of seventy-one dollars and eighty cents is hereby appropriated for the purpose of paying said John P. Smith for the above mentioned services, and the Comptroller is directed to draw his warrant in favor of said Smith for the above mentioned sum.

Passed March 29, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 2, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 173.

AN ACT to repeal an Act passed April 4, 1885, entitled "An Act to protect the health of the people and prevent the spread of disease."

Acts of 1885
repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an Act passed April 4, 1885, entitled "An Act to protect the health of the people and prevent the spread of disease" be and it is hereby repealed.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 27, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 2, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 174.

AN ACT entitled "An Act to repeal an Act incorporating the town of New Market, Jefferson County, Tennessee, and amendatory Acts thereto, and to abolish said corporation."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an Act entitled "An Act ^{Corporation} ~~abolished.~~ to incorporate the town of New Market, Jefferson County, and an Act amendatory thereto, passed March 8, 1887, be and the same are hereby repealed and the corporation of said town abolished."

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act take effect from and after the 20th day of June, 1889, the public welfare requiring it.

Passed March 28, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 2, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 175.

AN ACT to extend the corporate limits of the city of Nashville.

Corporate limits extended.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the corporate limits of the city of Nashville be and the same are hereby extended so as to include lots Nos. one, two, three, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, and sixty-five of D. T. McGavock's plan of lots, as registered in Book 21, page 23, of the Register's office of Davidson County.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 28, 1889

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 2, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 176.

AN ACT to authorize the formation and to regulate the business of Live Stock Insurance Companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the organization of insurance companies for the purpose of insuring the lives of live stock, is hereby authorized in this State, and before any live stock insurance company, whether incorporated under the laws of this State or any other State or government, shall transact any business in this State, through agents or otherwise, it shall file with Insurance Commissioners of the State a certified copy of its charter or deed of settlement of the company, and a statement of the company on the 31st day of December next preceding the day in which it shall apply for permission to transact business in this State, exhibiting the following facts and items in the following form; *provided*, that the insurance companies hereby authorized shall be subject to pay the same taxes, fees, and charges that other insurance companies are subject to as far as applicable to them :

First.—The amount of capital stock of the company, and how much of the same has been paid up in cash.

Second.—The property and assets held by the company, specifying :

1. The value and location of the real estate held by such company.

2. The amount of cash on hand and deposited in banks to the credit of the company ; in what banks the same is deposited, and the amount in each.

3. The amount in the hands of agents, and in course of transmission.

4. The amounts of loans secured by bonds and mortgages, or deeds of trust, constituting the first lien or real estate on which there shall be less than one year's interest due or owing; the location and value of each piece of real estate and the amount loaned on each piece.

5. The amount of loans on which interest shall not have been paid within one year previous to such statement, and how secured.

6. The amount due the company on which judgments have been obtained and the cash value thereof.

7. The amount of stocks and bonds of this State or of the United States, or of any other stocks or bonds, or securities owned by the company or corporation, specifying the amount, number of shares, and par and market value of each kind of stocks or bonds.

8. The amount of bonds, mortgages, or stocks held as collateral security for loans, with the amount loaned on each kind of stock or bond, and their par and market value.

9. The amount of interest actually due and unpaid.

10. The amount of interest accrued but not due.

11. The amount of all other assets of every description, and of what composed.

Third.—The liabilities of such company, specifying:

1. The amount of losses due and unpaid, and how much thereof is to citizens of this State.

2. The amount of claims for losses resisted by the company, and how much thereof is to citizens of this State.

3. The amount of claims for losses incurred during the year, including those claims not due and those reported to the company upon which no action has been taken, and how much thereof is to citizens of this State.

4. The amounts of dividends declared and due, and remaining unpaid.

5. The amounts of dividends declared and not due.

6. The amount of money borrowed, and security given for the payment thereof.

7. The amount required for reinsurance of outstanding policies, estimating the same at fifty per cent. of the premiums received on all policies in force on the 31st day of December of each year.

8. The amount of all claims against the company, and of what they consist.

Fourth.—The income of the company during the year, specifying:

1. The amount of premiums received, designating the amount received in this State.

2. The amount of interest money received.

3. The amount of income received from all sources, and from what the same was derived.

Fifth.—The expenditures during the preceding year, specifying :

1. The amount of losses paid during the year, stating how much thereof to citizens of this State.

2. The amounts of dividends paid during the year.

3. The amount paid in taxes and commissions to agents.

4. The amount of all other payments and expenditures, which statement shall be subscribed to under oath by the President and Secretary, or other chief officers or managers of such company, and shall be renewed annually on the 31st day of December of each year, or within thirty days thereafter, and the said Commissioner is hereby authorized to propose such additional inquiries as may, in his judgment, be necessary to elicit a full exhibit of the business and standing of any live stock insurance company as aforesaid transacting the business of live stock insurance in this State. Any company failing or refusing to file such statement, or refusing to answer any inquiry of the Commissioner, shall be subject to a penalty of five hundred dollars, and an additional penalty of five hundred dollars for every month thereafter that such company shall continue to transact any business of insurance in this State.

SEC. 2. *Be it further enacted,* That it shall not be lawful for any live stock insurance company, whether organized under or incorporated by the laws of this State, or any other State or foreign government, to transact any business of insurance in this State, through agents or otherwise, unless possessed of at least one hundred thousand dollars of paid up, actual cash capital, of which at least fifty thousand dollars shall be invested in bonds of the United States, or some one or more of the States or other securities, approved by the Commissioner of Insurance, reckoning the same at their current market value; nor shall it be lawful for any live stock insurance company, not organized under or incorporated by the laws of this State, to transact any business of insurance in this State through agents or otherwise, until such company, in addition to the other requirements of this Act, shall have filed with the Commissioner of Insurance a written instrument, duly signed and sealed, authorizing said Commissioner to acknowledge service of process for and in behalf of such company, in this

State, consenting that service of process *mesne* or final upon any such agent or agents shall be taken and held as valid as if served upon the company according to the laws of this State or any other State, and waiving all claim or right of error by reason of such acknowledgement of service, and any process issued by any Court of record in this State, and served upon such Commissioner by the proper officer of the county in which said Commissioner may have his office, shall be deemed a sufficient process on said company.

Deposits.

SEC. 3. *Be it further enacted*, That before any company, incorporated by or organized under the laws of any foreign government, shall transact any business of live stock insurance in this State, it shall file with the Commissioner of Insurance the certificate of the Comptroller, or other chief financial officer of some other State, or of the United States, under his hand and official seal, that he holds, on deposit and in trust, for the benefit of all the policy holders of such company in the United States, securities in which it is authorized to invest its capital stock by the laws of the State in which such deposit is made, worth at least one hundred thousand dollars, and which shall be increased in case of any depreciation in their value; *provided*, that companies organized under the laws of any foreign government, depositing the amount of securities aforesaid with the Treasurer of this State, who shall receive the same in his official capacity, and producing and filing a certificate thereof, in the manner provided by this section, shall be held to have complied with the requirements of this section, if such certificate shall state that the aforesaid deposit is for the benefit and protection of its policy holders in the United States.

Examination of
Company's
books.

SEC. 4. *Be it further enacted*, That whenever the Commissioner of Insurance shall have reason to suspect the correctness of any statement furnished him, or that the affairs of any company doing business in this State, whether chartered by this State or not, are in unsound condition, it shall be his duty, by himself or his deputy, or whenever he shall deem it expedient so to do, at his option, to appoint one or more persons, not officers, or agents, or employes of any insurance company, who, before entering upon the discharge of the duty, shall take an oath to per-

form faithfully and impartially the business with which they are charged, to examine into the affairs of such company, and it shall be the duty of the officers or agents of such company to cause their books to be opened for the inspection of the Commissioner or person or persons so appointed by him, and otherwise to facilitate such examination, so far as it may be in their power to do; and for that purpose the Commissioner, or that person or persons appointed by him shall have power to examine, under oath, the officers or agents of any such company relative to the business of said company; and whenever it shall appear, to the satisfaction of the Commissioner, that the assets of any such company are reduced more than twenty per cent. below the capital stock required by this Act, or its charter, after reserving fifty per cent. of the amount received for premiums on all risks which are unexpired, which are hereby declared unearned premiums, he shall revoke all authority to such company, or its agents, to do business in this State, and shall cause a notification thereof to be published in one or more newspapers of this State, and copies thereof to be mailed to each agent licensed by him to transact business for said company; and the agents of such company are, after such notice, required to discontinue the issuing of any new policies or the renewal of any previously issued. The necessary expenses of such examination shall be certified to by the Commissioner, and paid by the company examined.

SEC. 5. *Be it further enacted*, That whenever any insurance company, as provided in Section 7, shall have fully complied with all the requirements of this Act, and the Commissioner is satisfied that the affairs of such company is in a sound condition, he shall issue certificates of authority to such persons as such company may designate, authorizing them to transact the business of insurance for and in behalf of such company in this State, which certificates shall be renewed annually in January of each year. Certificates of authority.

SEC. 6. *Be it further enacted*, That it shall not be lawful for any person or persons to act as agent, or solicit risks, or in any way, directly or indirectly, to transact the business of insurance for and in behalf of any company, whether organized under or incorporated by the laws of this State, or any other State Not lawful to act as agents, when.

or government, without first obtaining a certificate of authority from the Commissioner of this State so to do, which certificate shall state that said company has fully complied with all the requirements of this Act applicable to such companies and depositing a certified copy of such license in the office of the clerk of the county in which the office or place of business of such agent or agents, may be established, and whoever shall directly or indirectly aid in transacting the insurance of any such company without first receiving such certificate of authority, or having received such certificate of authority, shall, after receiving from such Commissioner notice of the revocation thereof, continue to act as agent for any such company, shall forfeit and pay to the State, for each offense, the sum of fifty dollars.

Company,
meaning of.

SEC. 7. *Be it further enacted*, That the term company, used in this Act, shall embrace and include every company, corporation, association, or partnership, organized for the purpose of transacting the business of live stock insurance.

Forfeiture and
penalty.

SEC. 8. *Be it further enacted*, That each and every company organized for the purpose named in this Act, not incorporated by or organized under the laws of this State, shall, on the 30th of June and December, in each year, report, under oath of the President and Secretary, or other chief officer of such company, the total amount of premiums received from policies issued in this State within the six months next preceding, or since the last returns of such premiums were made by such company, and shall, at the same time, pay into the treasury of this State the sum of two dollars and fifty cents upon each one hundred dollars of said premiums so ascertained, which shall be in lieu of all other taxes, and any company failing or neglecting to make such returns and payments promptly and correctly shall forfeit and pay to the State, in addition to the amount of said taxes, the sum of five hundred dollars; and the company so failing or neglecting for sixty days shall hereafter be debarred from transacting any business of insurance in this State until said taxes and penalty are fully paid; and the Commissioner of Insurance shall revoke the certificates of authority granted to the agent or agents of such company to transact business in this State. Companies incorporated by

this State shall, at the same time and in the same manner, pay one dollar and fifty cents upon each one hundred dollars of premiums received on policies issued in this State, and for failing to do so shall be subject to the penalties provided for companies not chartered by this State.

SEC. 9. *Be it further enacted*, That every company receiving from the Commissioner a certificate of authority to transact business in this State, shall pay the following fees and allowances to the Commissioner:

| | |
|---|---------|
| For filing copy of charter or deed of settlement | \$10 00 |
| For filing annual statement | 25 00 |
| For filing any additional or supplemental statement | 10 00 |
| For each certificate of authority issued by him | 3 00 |
| For certified copy of certificate of authority... | 3 00 |
| For copies of any paper on file or deposit in his office, per folio | 20 |
| For affixing seal of office and certifying any paper..... | 1 00 |

SEC. 10. *Be it further enacted*, That every penalty provided for by this Act shall be sued for and recovered, in the name of the State of Tennessee, by the District Attorney of the district in which such delinquency occurs, and when sued for and collected by him, shall be paid into the State Treasury, less thirty per cent. to be paid him for his services, and in case of non-payment of such penalty, the party so offending shall be liable to imprisonment for a period not exceeding six months, in the discretion of any Court having cognizance thereof.

SEC. 11. *Be it further enacted*, That it shall not be lawful for the directors, trustees, or managers of any live stock insurance company, incorporated by this State, to make any dividend except from the surplus profits arising from its business, and in estimating such profits there shall be reserved therefrom a sum equal to the whole re-insurance liability of said company, as provided for in Section 7 of this Act. Any dividend made contrary to this Act shall subject the company making the same to a forfeiture of its charter, and each stockholder receiving it to a lia-

bility to the creditors of such company to the extent of double the amount of the dividend received.

Duty of Commissioner.

SEC. 12. *Be it further enacted*, That it shall be the duty of the Commissioner of Insurance to publish annually, and as soon after the first day of January of each year as practicable, an itemized statement of the condition of each company as provided for in Section 7, doing business in this State.

SEC. 13. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed March 27, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 2, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 177.

AN ACT to change the place of meeting of the stockholders in the Nashville, Murfreesboro, and Shelbyville Turnpike Company.

Time and place
of meeting of
stockholders.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the annual meeting of the stockholders in the Nashville, Murfreesboro, and Shelbyville Turnpike Company shall be hereafter held at the first toll-gate on the turnpike of said company, south of Murfreesboro, Tennessee, on the third Wednesday of October, in each year, to elect commissioners or directors of said company, and for the transaction of other business authorized by the charter thereof.

Repeal.

SEC. 2. *Be it further enacted*, That Section 9 of Chapter 35 of the Acts of 1868-9 be and the same is hereby repealed.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 27, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 2, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 178.

AN ACT to regulate the practice of medicine and Surgery in the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That no person shall practice ^{Diploma and certificate.} medicine in any of its departments, except dentistry, within this State, unless such person possess all the qualifications required by this Act. If a graduate in medicine, he shall present his diploma to the State Board of Medical Examiners for verification as to its genuineness. If such diploma is found genuine, and from a legally chartered Allopathic, Homeopathic, or Eclectic Medical College in good standing with the school of medicine in which said college is classed, of which the State Board of Medical Examiners shall be the judge, and if the person named therein be the person claiming and presenting the same, the State Board of Medical Examiners shall issue a certificate to that effect, signed by all the members thereof, and such certificate shall be conclusive as to the right of the lawful holder of the same to practice medicine in this State.

To make proof.

SEC. 2. *Be it further enacted*, That all persons who shall be in the actual practice of medicine or surgery in the State at the time of the passage of this Act, shall, within six months after this Act takes effect, be required to make satisfactory proof of this fact to the County Court Clerk of the county in which he resides, when said County Court Clerk shall issue a certificate in each case in accordance with the facts, and such certificate shall entitle the lawful holder thereof to all the privileges contemplated in this Act. A certified copy of this certificate shall be forwarded to the State Board of Medical Examiners.

To be examined.

SEC. 3. *Be it further enacted*, That any person wishing to enter upon the practice of medicine in any of its branches, except dentistry, after the passage of this Act, shall present to the Board of Medical Examiners a diploma from some medical college in good standing, and said Board shall recognize any college that is recognized by the National Medical Association, or shall present himself before the Board for examination upon the following branches, viz.: Anatomy, Physiology, Chemistry, Pathology, Surgery, Obstetrics, and Therapeutics. If the diploma be found genuine, or if the applicant for examination shall be found worthy and competent, then said Board shall issue a certificate in each case in accordance with the facts, and such certificate shall entitle the lawful holder thereof to all the privileges of this Act.

Governor to appoint board.

SEC. 4. *Be it further enacted*, That immediately upon the passage of this Act the Governor shall appoint six graduated physicians, two from each grand division of the State, as a State Board of Medical Examiners, whose duty it shall be to examine into the qualifications of all applicants for license to practice medicine or surgery, in accordance with the foregoing sections of this Act; *provided*, that the three schools of medicine, viz.: Allopath, Homeopath, and Eclectic, shall be represented on said Board of Examiners. Not less than five shall constitute a quorum, and a majority of those present shall be necessary to reject any application, but such rejection shall not bar the applicant against a re-examination after the lapse of three months; *provided*, that the members of the Board representing each school of medicine shall have the right to examine all appli-

cants of that school, and the Board shall issue the certificate of qualification to applicants who are recommended by the member or members of the Board who belong to said school after such examination.

SEC. 5. *Be it further enacted*, That to prevent delay and inconvenience, two members of the Board may grant a temporary license to any applicant and make a report thereof to the Board at the next regular meeting; such temporary license shall not continue in force longer than until the next regular meeting of the Board, and such temporary license shall in no case be granted within six months after the applicant has been refused a license by the Board.

Two members
may grant
license.

SEC. 6. *Be it further enacted*, That the first Board of Medical Examiners shall meet and organize thirty days from the date of their appointment, and shall serve for the terms of one, two, three, four, five, and six years, respectively, deciding by lot or agreement among themselves as to their respective terms of service. At the expiration of the above terms, each member of the Board shall be appointed for six years. All vacancies occurring in the Board by death or resignation, shall be filled by the Board itself for the remainder of such term or terms. The members of said Board shall not be members of the State Board of Health, nor any medical faculty.

Term of office.

SEC. 7. *Be it further enacted*, That the regular meetings of the Board shall be once each year, at such time and place as the Board may decide, but the President of the Board may call a special meeting whenever it is demanded by public necessity, the call to be issued by the Secretary and signed by the President.

Regular meet-
ings.

SEC. 8. *Be it further enacted*, That the Board of Medical Examiners are authorized to elect such officers, and to form such by-laws as may be necessary for the efficient operations of the Board.

Board to elect
officers, etc.

SEC. 9. *Be it further enacted*, That every person holding a certificate from the State Board of Medical Examiners or the County Court Clerk, shall have it recorded in the office of the County Court Clerk in which he resides, and the date of record shall be indorsed thereon. Until such record is made the holder of such certificate shall not exercise any of the rights or privileges therein conferred to practice

Certificate to
be recorded.

medicine. Any person removing from one county to another to practice medicine shall record in like manner the certificate in the county to which he removes, and the holder of the certificate shall pay to the County Clerk the usual record fee for so doing. Practitioners in one county may go from one county to another on professional business without being required to register, if they have done so in the county in which they reside.

Clerk to keep
list of certifi-
cates.

SEC. 10. *Be it further enacted*, That County Clerks shall keep in a book provided for the purpose, a complete list of the certificates recorded by him, with the date of issue of certificate and date of record. If the certificate be based on a diploma, he shall record the name of the medical institution conferring it, and the date when conferred. The register of the County Clerk shall be open to public inspection during business hours.

Record o
proceedings.

SEC. 11. *Be it further enacted*, That the Board of Examiners shall keep a record of its proceedings in a book for that purpose, which shall be open for inspection, and shall record the name of each applicant, the time of granting a license, with the names of the members of the Board present.

Compensation.

SEC. 12. *Be it further enacted*, That the members of said Board shall receive as a compensation for their services ten (\$10) dollars per day during their sessions, and in addition thereto, their hotel and traveling expenses by the most direct route to and from their respective places of residence, to be paid out of any moneys in the treasury of the Board, upon the certificate of the President and Secretary. The Board is empowered to demand a fee of one (\$1.00) dollar for the issuing of each certificate. The fee for examination of non-graduates shall be ten (\$10.00) dollars. If the applicant fails to pass a satisfactory examination, and no certificate or license is issued to him, five (\$5.00) dollars only of his fee is to be retained. The fee for a certificate of temporary license shall be one (\$1.00) dollar, to be paid into the treasury of the Board, said fee to be accredited to the applicant when he applies to the Board for permanent license.

Itinerants not
allowed.

SEC. 13. *Be it further enacted*, That any itinerant vendor of any drug, nostrum, ointment, or any application of any kind, intended for the treatment of

disease or injury, or who may, by writing, printing, or other method, profess to cure or treat disease or deformity, by any drug, nostrum, manipulation, or other expedient, in this State, shall, if found guilty, be fined in any sum not less than one (\$100) hundred dollars, and not exceeding four hundred (\$400) dollars for each offense, to be recovered in action of debt before any court of competent jurisdiction.

SEC. 14. *Be it further enacted*, That any person who shall practice medicine or surgery in this State without the certificate issued by the Board of Examiners or County Court Clerk, as provided in Section 2, in compliance with the provisions of this Act, shall, for each and every instance of such practice, forfeit and pay to the people of the State of Tennessee, for the use of said Board of Examiners, the sum of twenty-five dollars for the first offense, and two hundred (\$200) dollars for each subsequent offense, the same to be recovered in an action of debt before any court of competent jurisdiction. Any person filing or attempting to file, as his own, the diploma or certificate of another, or a forged affidavit of identification, shall be guilty of felony, and, upon conviction, shall be subject to such punishment as is made and provided by the statute of the State for the crime of forgery. But this Act is not to be construed so as to prohibit the right to appeal; and when an appeal is prayed in behalf of the people, no appeal bond shall be required or filed, whether the appeal be from a Justice of the Peace or from a higher Court, but it shall be sufficient, in behalf of the people of the State of Tennessee, for the use of the Board of Examiners, to pray appeal, and thereupon appeal may be had without bond or security. Nothing in this Act shall be construed to apply to women who pursue the avocation of midwife.

SEC. 15. *Be it further enacted*, That the Secretary and Treasurer of the Board of Examiners shall give bond, with good security, in amount sufficient to cover all moneys coming into his hands, for the safe keeping of the same.

SEC. 16. *Be it further enacted*, That the said Board shall have power to revoke any license or certificate issued by them, when, upon satisfactory proof, it shall appear that any physician thus licensed has

been guilty of grossly immoral or unprofessional conduct.

Compensation,
how obtained.

SEC. 17. *Be it further enacted*, That it shall not be lawful for the State Board of Medical Examiners, or any member thereof in any manner whatever, or for any purpose to charge or obligate the State of Tennessee, nor any county therein, with any debt, nor the payment of any money; and the said State Board shall look alone to the revenue derived from the operations of this Act for the compensation designated in Section 12 of this Act, and if said revenue is not sufficient to pay each member in full, as per Section 12, then the amount thus received shall be pro rated between the members. But if there should be a greater revenue derived than shall be sufficient to pay the members, as provided in Section 12, such overplus shall be paid to the Comptroller of State, who shall receipt to the Board for the amount received, and shall account for said money as other State revenue.

Conflicting
laws repealed.

SEC. 18. *Be it further enacted*, That this Act take effect sixty (60) days after its passage, and all Acts or parts of Acts in conflict with this Act be and the same are hereby repealed.

Passed April 3, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 4, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 179.

AN ACT to protect game in the counties of Scott, Fentress, Pickett, Morgan, Cumberland, Bledsoe, Sequatchie, Van Buren, White, Putnam, Rhea, Clay, Campbell, Henry, Johnson, Carter, Sullivan, Meigs, Claiborne.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be unlawful for ^{Hunting game prohibited.} any person, being a non-resident of the State, to hunt, shoot, kill, catch, or carry away game of any kind in the counties of Scott, Fentress, Pickett, Morgan, Cumberland, Bledsoe, Sequatchie, Van Buren, White, Putnam, Rhea, Clay, Campbell, Henry, Johnson, Carter, Sullivan, Meigs, Claiborne.

SEC. 2. *Be it further enacted,* That any person so ^{Misdemeanor.} offending shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than fifty dollars, one-half to go to the prosecutor and the other half to the county.

Passed February 26, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 4, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 180.

AN ACT for the benefit of disabled and indigent ex-Confederate soldiers of Tennessee.

Board of Trust. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the property belonging to the State of Tennessee, known as the Hermitage, consisting of a farm of about five hundred acres, but exempting from the provisions of this bill twenty-five acres of ground, upon which is situated the tomb of General Andrew Jackson, the mansion house, and out-buildings thereon, be and is hereby conveyed in trust for the term of twenty-five years, to a Board of Trustees, to be composed of nine citizens of Tennessee, and their successors in office, to be appointed by the Governor, upon the recommendation and indorsement of the organization and incorporated body known as the Association of Confederate Soldiers, Tennessee Division, to be used for the purposes hereinafter set forth.

Homes for indigent and disabled soldiers. SEC. 2. *Be it further enacted,* That the property described in the foregoing section shall be devoted, for the time specified, solely to the purpose of providing homes for indigent and disabled soldiers, who volunteered in the service of the State, or Confederate States, their widows and their orphan children, the farm to be so managed as to make the charity thus instituted as nearly self-sustaining as possible by proper cultivation, and by the establishment of such industries as may be adapted to the capabilities of the beneficiaries; *provided,* that the beneficiaries received under the provisions of this Act shall be prorated in the several Congressional Districts of this State according to their population.

Selection of Trustees. SEC. 3. *Be it further enacted,* That the Board of Trustees shall be selected as follows: Two from East Tennessee, two from West Tennessee, and five from Middle Tennessee, and so that a majority or quorum may be proximately residents of Nashville. These Trustees shall serve without compensation. The Board shall elect a President and Secretary, resident in Nashville, who shall act officially for the Board, under the direction of the Board.

SEC. 4. *Be it further enacted*, That the Board of Trustees shall devise and put into execution the most available, effective, and economical plan of providing for deserving persons who may come within the provisions of this Act, and shall elect a Manager, who shall take charge of the farm and look after the welfare and comfort of those admitted as beneficiaries by the Board. The Manager shall make full written reports on the first of each month to the Secretary of the Board.

SEC. 5. *Be it further enacted*, That the Board shall make due investigation concerning all applicants for benefits of the Soldiers' Home, and shall admit none except those of good character, and who faithfully served as soldiers.

SEC. 6. *Be it further enacted*, That the sum of ten thousand dollars is hereby appropriated for the purpose of placing the Hermitage Farm in proper condition for the purposes named in this Act, so much of which shall be judiciously expended under the direction of the Board as may be necessary in building, fencing, stocking, and fitting the farm for use, the remainder, if there be any, to be used in maintaining the charity established.

SEC. 7. *Be it further enacted*, That the Board shall make annual reports to the Governor of the State on January 1st of each year, giving a full statement of the progress and working of this beneficence, and accounting for all receipts and expenditures, implements, stock, and material in the care of the Board.

SEC. 8. *Be it further enacted*, That should it occur that the objects for which this conveyance in trust is made have been fully accomplished before the expiration of the period of twenty-five years, or that it be shown that these objects cannot be accomplished, the General Assembly may, by proper enactment, withdraw this property from the Trustees before the expiration of the twenty-five years.

SEC. 9. *Be it further enacted*, That vacancies in the Board of Trustees, caused by death or resignation, shall be filled by the appointment of the Governor upon recommendation of the remaining members of the Board.

SEC. 10. *Be it further enacted*, That the State reserves the right to itself to hold, control, and manage, the twenty-five acres of ground (exempted from the

provisions of this Act), with the tomb, dwelling, and out-houses thereon, for the purpose of improving, beautifying, and preserving the same as the home of Gen. Andrew Jackson.

Full possession.

SEC. 11. *Be it further enacted*, That the provisions of this Act shall take effect as soon as practicable, and when the Governor of the State shall be notified of the organization of the Board of Trustees, in accordance with the provisions herein set out, after which the Governor and the Secretary of State shall turn over to said Trustees the property herein conveyed in trust, and place said Trustees in full possession of the same; *provided*, that nothing in this Act shall be so construed as to effect, modify, or in any way repeal an Act passed by the General Assembly in 1883 compiled in Milliken & Vertrees' Code of Tennessee, Title 12, Chapter 1, Article VI, entitled an Act to pension blind soldiers, and an Act amendatory of said Act, approved February 28, 1887, being Chapter 34 of the Acts of the General Assembly of 1887.

SEC. 12. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 29, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 4, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 181.

AN ACT to amend an Act passed March 19, 1875, approved March 23, 1875, entitled "An Act to provide for the organization of corporations," and to repeal the Act passed March 23, 1883, approved March 26, 1883, entitled "An Act to amend an Act to provide for the organization of corporations," passed March 19, 1875, approved March 23, 1875.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Act passed March 19, 1875, approved March 23, 1875, Acts of 1875, Chapter 142, be and the same is hereby amended by adding to the fourth clause of Section 2 of said Act the following: *Provided*, that in the organization of corporations for the establishment of colleges, universities, and other institutions of learning, or wherever such institutions now existing shall deem it to the material interest of such college, university, or other institution of learning, the number of directors of such college, university, or other institution of learning may be fixed in the charter of by the by-laws enacted or to be enacted by the directors thereof at any number not exceeding thirty-three, and not less than five, as shall be deemed best by said incorporations or directors of such proposed incorporation, or of such college, university, or other institution of learning. Act of 1875 amended.

SEC. 2. *Be it further enacted*, That the Act passed March 23, 1883, approved March 26, 1883, Acts of 1883, Chapter 142, entitled "An Act to amend an Act to provide for the organization of corporations," passed March 19, 1875, approved March 23, 1875, be and the same is hereby repealed. Act of 1883 amended.

SEC. 3. *Be it further enacted*, That this Act shall take effect and be in force from and after its passage, the public welfare requiring it.

Passed April 1, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 4, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 182.

AN ACT to exempt agricultural agents from State, county or municipal license or privilege taxes.

Preamble.

WHEREAS, The material wealth and the general welfare of this State, and the happiness of its people are dependent upon the prosperity of its agricultural industry, and for this reason it should be fostered and encouraged; and,

Preamble.

WHEREAS, There are organized and incorporated in the State of Tennessee, Agricultural Associations for the advancement and upbuilding of this important industry; and,

Preamble.

WHEREAS, Said Associations have State, County, and District Agents, who are employed by said Associations to dispose of the farm products of this State, and to buy agricultural implements and other supplies for farmers without profit, such agents each charging only a sufficient amount on sales and purchase to pay the salary and necessary expenses of their respective agencies; therefore,

Not liable for license or privilege tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the business agents of all such agricultural associations shall not be liable for any license or privilege tax to the State, or any county or municipality thereof, but that the same be exempt from such taxation.

Co-operation stores, etc., not exempt.

SEC. 2. *Be it further enacted*, That this Act shall not be construed to exempt from taxation any Wheel, Alliance, Grange, or Union co-operation stores, or any persons who sell or buy with the view or purpose of making a profit, or of any agents of said Agricultural Associations, who buys or sells for a per cent. beyond the actual expense of said agents' salary and other incidental expenses necessary to conduct the business of the State, county, and district business agencies appointed by these Agricultural Associations to dispose of their produce and buy their supplies.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 1, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 4, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 183.

AN ACT to change the time for holding the Chancery Court in Lincoln County, and to repeal an Act passed March 24, 1887, and approved March 25, 1887, fixing the time for holding said court.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter the times for holding the Chancery Court in Lincoln County shall begin on the third Mondays in March and September in each year. Change of time for holding court.

SEC. 2. *Be it further enacted*, That the Act passed March 24, 1887, and approved March 24, 1887, fixing the times for holding said Chancery Court on the second Monday in May and November in each year be and the same is hereby repealed. Act of 1887 amended.

SEC. 3. *Be it further enacted*, That this Act take effect from and after the 1st day of June, 1889.

Passed March 29, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 4, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 184.

AN ACT to change the time for holding the courts in Lewis County, and to provide for holding two terms of the Circuit Court each year instead of three terms, as now provided by law in said county.

Change of time
for holding
court.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 1 of an Act passed February 16, 1887, approved February 25, 1887, entitled "An Act to change the time of holding the courts in the several Chancery Divisions, and to amend Section 5, Chapter 20, the Acts of the extra session of the General Assembly of the State of Tennessee, passed June 4, 1885, and approved June 12, 1885, and entitled an Act to divide the State of Tennessee into Judicial Circuits and Chancery Divisions, and to fix the time for holding the terms of said Chancery, Circuit, and other Courts," be so amended as to provide that hereafter the Chancery Court for Lewis County shall be held on Tuesday after the fourth (4th) Mondays in April and October of each year.

Change of time
of holding
Circuit Courts.

SEC. 2. *Be it further enacted*, That an Act passed February 26, 1887, and approved March 2, 1887, entitled "An Act to change the time for holding the Circuit Courts in the Ninth Judicial Circuit," be so amended as to provide that the Circuit Courts for Lewis County shall be hereafter held on Tuesday after the fourth Mondays in April and October of each year, instead of on the first Tuesdays after the first Mondays in February, June, and October, as now provided by said Act.

Bonds and
process.

SEC. 3. *Be it further enacted*, That all bonds shall be taken and all process made returnable to the courts at the times and places fixed for holding the same in the foregoing provisions of this Act. And all such bonds and recognizances taken at or after the last terms of said Circuit Courts, as held under existing laws of this State, and all process issued or bonds taken after that time, viz., the last terms of said courts, shall be made returnable to the next first terms of said Chancery and Circuit Court to be held under the provisions of this Act, and the same shall be held valid and binding in law.

SEC. 4. *Be it further enacted*, That all Acts and parts of Acts of the General Assembly of the State of Tennessee in conflict with the provisions of this Act be ^{Conflicting laws repealed.} and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed March 1, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 4, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 185.

AN ACT to authorize incorporated Boards of Education of Public Schools in Taxing Districts of 30,000 inhabitants or over, according to the Federal Census of 1880, or any future Census, to issue bonds for certain purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That incorporated Boards of Education in taxing districts of 30,000 inhabitants or over, according to the Federal Census of 1880, or any future Census, be and the same are hereby vested with authority to issue coupon bonds to an amount not to exceed \$100,000, for the purpose of providing ways and means for school buildings and grounds. ^{May issue bonds.}

SEC. 2. *Be it further enacted*, That bonds authorized by this Act may be issued in such denominations and made payable when and where it may seem to the said Boards of Education best fitted to accomplish the object in view; *provided*, however, that the said bonds shall be issued in series of equal amounts, with five years intervening between the maturity of each series, except the bonds in the first series, which ^{Denomination and maturity of bonds.}

shall mature in seven years, so as to absorb during the period of each of said series the sinking fund hereinafter provided. That the said Boards of Education shall not sell or dispose of either, or any of the bonds issued under this Act, at less than par, or for any other consideration but lawful currency of the United States. That the said bonds shall not bear a greater rate of interest than six per cent. per annum; and, *provided further*, that the said Boards of Education, issuing bonds under this Act, shall only issue them in such amounts as that the proceeds can be immediately applied to the purposes herein designated.

Mortgage.

SEC. 3. *Be it further enacted*, That said Boards of Education are hereby authorized and empowered to mortgage, by deed of trust, the real estate and buildings thereon owned by them to secure prompt and faithful payment of the said bonds and coupons issued by them under this Act, as they respectively become due.

Interest.

SEC. 4. *Be it further enacted*, That the Boards of Education shall pay, and are hereby authorized to pay the interest maturing on said bonds during the years 1889 and 1890 out of any funds collected by them levied for school building purposes.

Sinking fund.

SEC. 5. *Be it further enacted*, That the Boards of Police and Fire Commissioners, or other rightful corporate authorities of said taxing districts, shall, at the time of preparing the budget of taxation to defray the expenses of the said taxing districts for the years 1891 and 1892, and every two years thereafter until said bonds and coupons are paid, include in the said budget, in addition to the school tax for general purposes, a yearly tax sufficient to pay the interest coupons attached to the said bonds as they may mature, and also a yearly tax sufficient to create a sinking fund to pay the said bonds as they may mature, in their respective series; *provided*, the said Boards of Police and Fire Commissioners shall not be compelled, during the existence of these bonds, to recommend a tax of more than (25 cents) twenty-five cents on the one hundred dollars for school purposes, including the said interest and sinking fund, and any and all other expenses of the public schools. The said tax so levied shall be collected by the County

Trustees as other taxes levied for said taxing districts.

SEC. 6. *Be it further enacted*, That the said sinking fund collected under this Act shall be held and invested by the Fire and Police Commissioners, or their corporate successors, either in purchasing and retiring these bonds, or investing the same in other public securities as in their judgment may seem best for the safe preservation of this fund until the said bonds mature, when they shall use the said sinking fund and all accumulations in payment of said matured bonds. Any balance which may be in their hands over that necessary to retire the maturing series, may be applied to retiring the next succeeding series, or invested in other securities for the protection of said bonds. And the said Boards of Fire and Police Commissioners shall make semi-annual reports to the said Boards of Education of the exact condition of the said sinking fund and interest. The said Commissioners shall be allowed no compensation for services under this Act. Board to make semi-annual reports.

SEC. 7. *Be it further enacted*, That the said Boards of Education shall cause to be prepared a register for the said bonds and coupons, showing their date, amount, and disposition of the same, and make a full annual report thereof to the public at the time of making its general report, for which services no compensation shall be allowed. Register for bonds.

SEC. 8. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 29, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 4, 1889.

ROBT. L. TAYLOR.
Governor.

CHAPTER 186.

AN ACT to confer jurisdiction upon the Probate Court of Shelby County to authorize guardians in the maintenance, education, and support of their wards to exceed the income derived from their wards' estate.

Jurisdiction of
Probate Court.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Probate Court of Shelby County shall have the same jurisdiction as is now possessed by Courts of Chancery to authorize guardians to exceed the incomes derived from the estates of their wards in the maintenance, education, and support of their wards.

SEC. 2. *Be it further enacted,* That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed March 29, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 4, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 187.

AN ACT to compile the several Acts incorporating the town of Shelbyville into one Act, and to amend the same, and to repeal all Acts in conflict with this Act.

SECTION 1. *Be it enacted by the General Assembly of* ^{Charter.} *the State of Tennessee, That the several Acts, and parts of same, heretofore passed incorporating the town of Shelbyville, as are herein compiled and codified and amended, shall be and are hereby declared and designated the charter of the town of Shelbyville.*

SEC. 2. *Be it further enacted, That the town of* ^{Corporate} *Shelbyville, in the County of Bedford, and the inhab-* ^{name.} *itants thereof, are hereby constituted a body politic and corporate by the style and name of the Mayor and Aldermen of the town of Shelbyville, and shall have perpetual succession, by their corporate name may sue and be sued; may grant, receive, purchase, and hold real and personal property, or dispose of same for the benefit of said town, and may have and use a common seal.*

SEC. 3. *Be it further enacted, That the boundaries* ^{Boundaries.} *of said town be and continue to be, until otherwise provided, the same as they are now according to Acts heretofore passed, and as are now recognized.*

SEC. 4. *Be it further enacted, That the legislative* ^{Legislative} *power of said town shall be exercised by the Board* ^{power.} *of Aldermen elected under the provisions of this Act, over whose meetings the Mayor shall serve as presiding officer; two-thirds of all the Aldermen shall constitute a quorum for the transaction of business. In the event the Mayor shall be temporarily absent, the Board shall elect one of their own number to preside over the deliberations of the body, in which event one more than a quorum shall be present. In the event of the death of the Mayor, or should his office become vacant by removal from the town, resignation, or impeachment, then the Board shall proceed, at the first regular meeting thereafter, to elect one of their number as Mayor to fill his unexpired term, and the Board shall then elect some other person eligible to the place to fill the vacancy thus occasioned for the unexpired term. The Board shall be composed of six Aldermen, to be elected for two years at a general*

election of the qualified voters of the town at large. If at such general election there should be a tie vote between the candidates receiving the highest number of votes for Alderman, the tie shall be decided by a majority vote of the Board at their first meeting. No person shall be eligible to the office of Mayor unless he be a resident and freeholder of said town, nor to the office of the Mayor or Aldermen, unless a citizen of Tennessee who has resided in the town at least two years immediately preceding his election, and a freeholder, and should either cease, the office becomes vacant. At the election, as hereinafter provided, there shall be elected a Mayor and six Aldermen to serve for the period of two years, and biennially thereafter to fill the vacancy by the expiration of terms.

Oath of office. SEC. 5. *Be it further enacted,* That the Mayor and Aldermen, before entering upon their duties, shall take an oath that they will honestly and faithfully discharge the duties of their offices without partiality, favor, or affection.

Duties of Board. SEC. 6. *Be it further enacted,* That the Board in session shall judge of the qualifications, elections, and returns of the members of the Board, and shall prescribe rules for the determination of contested elections. It shall prescribe its own rules of proceeding, the punishment of its members for non attendance or disorderly conduct, and enforce the same; two-thirds of the Board concurring may expel a member for disorderly conduct while a member, which vacancy can be filled as provided in other cases. A less number than a majority can adjourn from day to day, and under the provisions of ordinances may compel the attendance of absent members by fines and penalties. For all investigations of charges against its members or other officers, or such matters pertaining to the affairs of the town, the Mayor shall, at the discretion of the Board, issue subpoenas and compulsory process to compel the attendance of witnesses, and the production of books and papers. The Board of Mayor and Alderman shall hold its meetings at such times as it may determine, not more than one regular stated meeting per month.

Compensation SEC. 7. *Be it further enacted,* That the Mayor of said town shall receive for his services the sum of one hundred dollars, and on no account, cause, or pretense

whatever shall be paid out of the City Treasury any other sum whatever. The Aldermen of said town shall receive no compensation whatever. And it is hereby declared a misdemeanor in office, indictable in the Circuit Court, to be punished by a fine of fifty dollars, one-half to go to the City Treasury, for the Mayor or any Alderman to accept directly or indirectly, or to vote to himself or associate, any fee or compensation whatever in addition to the compensation herein provided.

SEC. 8. *Be it further enacted*, That the Board of Mayor and Alderman shall have and is hereby empowered: ^{Powers of Board.}

1. To enact such by-laws and ordinances as may be necessary to preserve the health, quiet, peace, and good order of said town, including such quarantine regulations for two miles outside the city limits as occasion may require.

2. To prevent and remove nuisances.

3. To levy and collect taxes upon all property taxable by law for State purposes within the limits of said town.

4. To appropriate money and provide for the debts of said town in the manner hereinafter provided.

5. To provide and establish a system of schools, but to be free from sectarian influences.

6. To provide the town with water-works within or beyond the limits of the town, but before an appropriation is made for this purpose, the question shall receive a two-thirds vote at an election to be held by the qualified voters of the town under the direction of appropriate ordinances.

7. To make appropriations to open, abolish, extend, grade, pave, or otherwise improve, clean, and repair the streets, alleys and sidewalks, or to have the same done, and to establish and keep in repair all sewers, bridges, culverts and gutters; and may provide to have the town lighted, and to erect all buildings for the use of the city.

8. To license and tax all privileges taxable by the laws of the State, hackney coaches, carts, omnibuses, wagons, and drays, and to fix the rate to be charged for the carrying of persons within the city.

9. To regulate or prohibit and suppress theatrical and other shows and exhibitions.

10. To regulate and suppress gambling houses,

disorderly houses, bawdy houses, and houses of ill-fame, or assignation houses, and all houses where one or more men and women meet for purposes of lewdness, prostitution or adulterous co-habitation, and fix the punishment for same.

11. To prevent and suppress the carrying of weapons concealed or otherwise prohibited by general laws; also to regulate the sale of fire arms as now prohibited by law.

12. To regulate the storage, use and sale of fire crackers and all other fire-works, explosives, and combustibles and toy pistols.

13. To provide for the inspection, weighing, and measuring of stone coal, wood and all fuel, hay, and corn brought to or sold in market for the use of the citizens of said town.

14. To prevent and punish forestalling and regrating of provisions, and to establish, regulate, and license markets and marketers.

15. To impose fines, forfeitures, and penalties for the breach of any ordinance adopted under this Act, and to provide for their recovery, and to provide for the arrest of such offenders.

16. To fix from time to time the boundaries and number of the wards of the town, but they shall not be less than six.

17. To pass all ordinances necessary for the peace, health, convenience, safety and good order of the town, and to impose and enforce penalties for a breach of said ordinances.

18. To regulate and prohibit the running at large on the streets of said town, all dogs unless the same be muzzled.

19. To erect and organize a work-house in or near the town, and to commit to same all persons who shall fail or refuse to pay or secure any fine and cost, and to keep such offenders so committed, until the said fine and cost shall be fully paid or worked out.

20. To provide for the appointment of a police force.

21. To impose fines and forfeitures for the breach of any ordinance, but no fine shall exceed fifty dollars, and no time of imprisonment exceed three months for the same offense.

22. To regulate and provide for the construction of sidewalks and foot pavements, and if the owners

or owner of any lot shall fail to comply with the provisions of any ordinance requiring such owners to build or repair sidewalks, after due notice, the town shall build the same through the agencies of the Board of Commissioners, or Supervisors hereinafter provided for, and the town shall pay for the same, and the amount so paid shall be a lien on said lot or lots, which may be enforced in any court of competent jurisdiction under a proper proceeding, brought in the name of the Mayor and Aldermen. But no ordinance ordering the building of such pavement or repairs shall be made until the town has first caused to be built and put down, at its expense, a good and substantial curbing of stone, cut of uniform height and size, along the outer edge of said intended pavement.

23. To grant the right of way through the streets and squares of said town for purposes of street railway, and may institute such proceedings as are authorized by law to condemn and appropriate ground for the uses of said town to widen or extend its streets.

SEC. 9. *Be it further enacted*, That it shall be the duty of the Mayor to carefully examine all bills passed before affixing his signature, and should any such not meet his approval, he shall, at the next regular meeting of the Board, return the same with his objections in writing, and no laws so vetoed shall go into effect unless the same be again passed by a majority of the entire Board. No bill shall become a law unless the same shall have passed three several readings by a majority vote, and until the same shall have been signed by the Mayor, or unless he fail to veto the same by next regular meeting. The Mayor may make temporary appointments to fill vacancies occasioned by sickness, absence, or other disability of any city officer, such appointments to be made alone or the recommendation of the Board of Supervisors, or a majority of them. Likewise he may, upon such recommendation, make temporary suspensions of officers for misconduct or inefficiency, but he shall report the same to next regular meeting of the Board, by whom final action shall be taken. But the Mayor shall have no power to suspend any member of the Board of Supervisors, nor to fill any vacancy in said Board. He may call special meeting of the Board of Aldermen, when, in his judgment, the good of the town requires it.

Privileges of Mayor.

And he shall state to them in writing the purpose of such meeting, which, together with the action of the Board, shall be spread on the minutes of the meeting in the regular minute book and signed by him. The Mayor shall, every three months, or oftener, should he be required by resolution of the Board, cause to be presented to the Board of Aldermen a full, true, and complete statement of the financial condition of the town, which, if accepted, shall be, by the Secretary of the Board, spread on the minutes of that meeting and published in the town papers. Any neglect or violation of any provision of this section is hereby declared a misdemeanor, subject to indictment in the Circuit Court, and upon conviction the offender shall be punished by fine of not less than twenty-five nor more than fifty dollars, one-half of which shall be paid when collected into the city treasury.

Election, when
to be held.

SEC. 10. *Be it further enacted*, That the first general election for Mayor and Aldermen under this Act shall be held on the last Saturday in April, 1890, and the new administration shall be sworn in on Tuesday following the election. The voters shall vote by ballot at such general election, and any person entitled to vote for members of the General Assembly under the laws of Tennessee, and who shall have been a resident of the town for six months preceding the election, shall be entitled to vote and have his vote counted in said election. Non-residents, having a taxable frechold in said town, and being a qualified voter of the State, shall also be entitled to vote.

Appointment
and duties of
Clerks and
Judges of elec-
tion.

SEC. 11. *Be it further enacted*, That the judges and clerks and officers of such election shall be appointed by the Board of Aldermen, and shall take oath to faithfully and fairly discharge their duties. They shall open the polls, conduct the election, and close the same, and count out the vote in such manner as is provided by the election laws of the State. And they shall certify the result thereof to the Mayor, authenticated by the judge and clerks. The ballots shall be received and the voter's name entered and numbered on the poll list, and the officer shall write a number on the back of the ballot to compare with the number of the voter's name on the poll list and the ballot deposited, and after the ballots are counted out they shall be preserved, replaced in the ballot-box, and the same locked, and the box and key delivered

to the Secretary of the Board, who shall hold the same subject alone to the inspection of the Board of Aldermen, or count in case of contest. And in the event of no contest he shall destroy same when the Board shall order at any time after thirty days. Upon the returns being certified to the Mayor, he shall present the same to the outgoing administration at the next meeting, which shall be Tuesday after the general election, when the same shall be publicly canvassed and the result declared, and install the new Board.

SEC. 12. *Be it further enacted*, That no member of Not eligible. the Board of Mayor and Aldermen shall be eligible to the office of Supervisor, or to any office or place of employment in the service of the town, during the time for which he was elected, nor shall they be directly or indirectly interested in any contract whatever in which the town is concerned, and a violation of this section is hereby declared a misdemeanor, and shall subject the offender to impeachment.

SEC. 13. *Be it further enacted*, That at the first Board of Supervisors. meeting of the Board, after the passage of this Act, they shall elect, from the resident citizens, three competent freeholders, who shall have been a resident of said town two years next preceding his election, who shall compose and be known as the Board of Supervisors of said town. At the first election to membership to said Board there shall be elected one to serve two years, one to serve four years, and one to serve six years. And, thereafter, the Board of Mayor and Aldermen, by a majority of the entire Board, shall biennially elect one qualified citizen to fill the vacancy occasioned by the expiration of term, who shall serve six years. In case a vacancy should occur in the Board of Supervisors by death, resignation, or otherwise, leaving an unexpired term, the Board of Mayor and Aldermen shall fill the vacancy by election for such unexpired term.

SEC. 14. *Be it further enacted*, That any member Incompetency. of the Board of Supervisors may be removed from office for incompetency, inefficiency, or neglect of duty, drunkenness, or other misconduct, by a vote of three-fourths of the Board of Aldermen.

SEC. 15. *Be it further enacted*, That said Super- Oath of office, bonds, etc. visors, when elected, before entering upon the discharge of their duties, shall take an oath to faithfully

perform their duties. The said Board shall then organize by electing one of their number President, another Treasurer, and the other Secretary and Financial Agent, who shall also be clerk or Secretary of the Board of Mayor and Aldermen. The President shall give a bond in the sum of three thousand dollars, with two or more good securities in double the amount of taxes and privileges assessed, and the Secretary a bond of three thousand dollars, with like securities, payable to State of Tennessee, for the use of the Mayor and Aldermen of Shelbyville, conditioned that they will faithfully and diligently discharge all of the duties of their respective offices, and pay over all money and other property which may come to their hands, according to the provisions of this charter and such ordinances as the Mayor and Aldermen may, from time to time, enact pertaining to their offices; such bonds shall be spread on the minutes of the Mayor and Aldermen, as well as the election of the Board of Supervisors, and the original of said bonds filed with the town Board, and said bonds shall be renewed annually upon settlement of the accounts of the Board of Supervisors; a failure to do which vacates the office.

City Court.

SEC. 16. *Be it further enacted*, That a Court is hereby established to be known as the City Court, which shall be presided over by the President of the Supervisors, who shall issue warrants in the name of the Mayor and Aldermen for the arrest of all offenses created by this Act, or any lawful ordinance of said town, and shall try the same and impose fine and penalties, and enforce the collection and payment of the same, or committal to the workhouse; and in case he is incompetent to try any such offenders, or be sick, or absent, then one of the other Supervisors shall try such causes. The officers, as herein provided, trying such causes, shall not take or appropriate any fee or cost for trying same, but the same shall be taxed up with the bill of cost and fine, and when collected paid over to the Treasurer.

Treasurer to
collect taxes.

SEC. 17. *Be it further enacted*, That the Treasurer shall collect and receive all of the taxes and money of said town assessed upon property, subject to be paid out only on the warrant of the Secretary and Financial Agent, when the same has been directed or appropriated by the Board of Mayor and Alder-

men. The form, mode of issuance, and preservation of all such warrants shall be regulated by ordinance of the Mayor and Aldermen. The Treasurer shall keep a book showing receipts, from what source, and the disbursements, and make monthly reports to the Mayor and Aldermen of the state of the city's financial condition, and accompany each report with all warrants paid in the meantime, duly stamped. He shall collect no privilege tax, unless the same shall be paid to him on a payable warrant, to be issued by the Secretary and Financial Agent, who is hereby alone empowered to issue all license for privileges, which license shall be countersigned by the Mayor, for which license a fee of one dollar, in addition to the tax, shall be collected to be paid into the city treasury with the privilege tax.

SEC. 18. *Be it further enacted*, That the Secretary and financial agent shall assess all property tax at the rate of not more than one dollar on the one hundred dollars' worth of property, according to the valuation made for State and county purposes. He shall issue all license for privileges, shall keep the minutes of the Board of Mayor and Aldermen, and shall make monthly reports of all receivable and payable warrants, showing from what source received, and on what account disbursed, duplicates of all of which warrants so marked and numbered shall be kept in a well-bound book, and not detached; and no sum whatever shall be paid out of the city treasury either for salaries or otherwise, until the same has been audited and appropriated by the Board of Mayor and Aldermen by entries on the minutes in regular meeting, and payable warrants issued therefor by the Secretary and Financial Agent. A violation of this section is hereby declared a misdemeanor, subjecting the offender to a fine of not more than fifty dollars and impeachment.

SEC. 19. *Be it further enacted*, That the Treasurer is hereby vested with the powers conferred by law on the collectors of State and county taxes, and lands shall be condemned and sold for failure to pay taxes in accordance with the laws of the State, for State and county purposes.

SEC. 20. *Be it further enacted*, That the Board of Supervisors shall annually, at the beginning of each fiscal year, make estimates of the amount of taxes

and moneys to be received into the city treasury for city purposes for the ensuing year, and on no account shall expenditures exceed the amount to be received according to said estimate.

Police and
other officers.

SEC. 21. *Be it further enacted*, That the Supervisors shall appoint all necessary policemen, and such other agents to execute the laws, and to direct and to carry out the intent of this Act, shall have paved and keep in repair the streets, sidewalks, alleys, culverts, and bridges, and to supervise and manage the city affairs generally, subject, however, to such ordinances and regulations that the Board of Aldermen may enact, which may inure to the health, good order and government and general welfare of the town and its inhabitants; and the cost of each department of the city government shall be kept separate, and every payable warrant shall recite the claim on which it was paid.

Mayor not to
interfere.

SEC. 22. *Be it further enacted*, That the Mayor shall have no power or authority whatever to remit in whole or in part, or suspend, or in any manner interfere with the enforcement of fine and penalty imposed by the City Court on any offender; *provided, however*, he may, upon petition of the entire Board of Supervisors, endorsed and approved by a majority of the Aldermen, remit, suspend, or pardon such offender, upon paying or securing the city from cost. A violation of this section is hereby declared a misdemeanor, subjecting the offender to a fine of fifty dollars on conviction before the City Court, and impeachment.

Salaries.

SEC. 23. *Be it further enacted*, That the President of the Board of Supervisors shall be paid a salary of \$400; the Treasurer a salary of \$400, and the Secretary a salary of \$400 per annum for their services, and no more on any account or pretense whatever, and a violation of this section is hereby declared unlawful, and the offender, upon conviction, shall be liable to dismissal from office, and shall be liable on his bond for any such excess and interest so taken directly or indirectly.

Powers of
police.

SEC. 24. *Be it further enacted*, That the regularly appointed police are empowered to execute all process issued by the City Court for which cost shall be taxed, as in case of constables under the general law, which, when collected, shall be turned into the city

treasury under a receivable warrant of the President of the City Court, and his docket credited accordingly; and policemen shall receive no salary or compensation whatever, other than such as may be fixed by the Board of Supervisors, approved by the Board of Aldermen, and such salaries shall be paid only but by payable warrants ordered by the Aldermen, and likewise as to the employment and compensation of street overseers.

SEC. 25. *Be it further enacted*, That the office of Recorder for the town of Shelbyville is hereby abolished, and all laws and parts of laws and ordinances providing for the existence of the office of Recorder, and prescribing the powers and duties of Recorder of the town of Shelbyville are hereby repealed. Office of Recorder abolished.

SEC. 26. *Be it further enacted*, That all laws and parts of laws heretofore enacted incorporating the town of Shelbyville, and amendatory thereto, as conflicts in the Code of Shelbyville, published on the 4th day of November, 1878, or which have been subsequently enacted, and which are in conflict with the provisions of this Act, are hereby repealed. Conflicting laws repealed.

SEC. 27. *Be it further enacted*, That the present Board of Mayor and Aldermen are hereby empowered to elect a Board of Supervisors, as provided in this Act, who shall act and serve as a Board of Supervisors until their successors are elected and qualified; and the present Board of Mayor and Aldermen of said town shall continue in office, and exercise and perform all the duties thereof until their successors are elected and qualified under the first general election provided for in Section 13 of this Act. Mayor and Aldermen to elect Supervisors.

SEC. 28. *Be it further enacted*, That not more than two members of the Board of Supervisors shall belong to one political party. Politics.

SEC. 29. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 29, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 4, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 188.

AN ACT to provide more stringent regulations for securing the purity of elections in this State, and applicable to counties having a population of over seventy thousand, and cities of over nine thousand inhabitants, computed by the Census of 1880.

Ballots at public expense.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all ballots cast in elections for national, State, county, and district officers in the counties and cities to which this Act is applicable, shall be printed and distributed at public expense, as hereinafter provided. The printing and distribution of ballots and cards of instruction to voters shall, in municipal elections, be paid by the cities, and in all other elections by the counties in which said elections are held, subject to the provisions of this Act. The term "State elections," as used in this Act, shall apply to any election held for the choice of a national, State, county, or district officer or officers, and the term "State officer" shall apply to any person to be chosen at such elections. The term "city election" shall apply to any municipal election so held in a city, and the term "city officer" shall apply to any person to be chosen by the qualified voters at such an election.

Population.

SEC. 2. *Be it further enacted*, That the provisions of this Act shall be applicable to all counties in Tennessee having, according to Federal Census of 1880, a population of over seventy thousand inhabitants, and to all towns having, according to the said Census, a population of over nine thousand inhabitants.

Duties of Chairman of Board.

SEC. 3. *Be it further enacted*, That the ballots printed for use under the provisions of this Act shall contain the names of all the candidates who have been put in nomination by any caucus, convention, mass-meeting, or other assembly of any political party in this State, at least ten days previous to the day of election. It shall be the duty of the Chairman of the Board of Commissioners to have printed all necessary ballots for use under the provisions of this Act, and he shall cause to be printed upon said ballots the names of candidates so nominated, upon the written request of any one of the candidates so nominated, or upon the written request of any qualified voter who will affirm

that he was a member of said caucus, and the name presented by him was the nominee of said caucus, convention, mass-meeting, or other assembly of any such political party. The said officer shall cause to be printed upon said ballots the name of any qualified voter who has been requested to be a candidate for any office by a written petition signed by at least fifteen citizens, qualified to vote in the election, to fill said office where such petition has been given him, at least ten days previous to the election; but if any qualified [voter] has been nominated, as above specified, within less than ten days of the election, or has been requested to be a candidate, as above specified, then said names shall not be printed upon said tickets. But in addition to the names printed upon said ticket, there shall be at least one blank space under each office to be voted for, and the candidate nominated, or who desires to run of his own volition, may have a separate ticket printed, upon which the title of the office for which he is a candidate, and his own name and address shall be printed, and said candidate may give these to the officer or officers distributing ballots upon the day of election, and said officer or officers shall give to each voter, in addition to the printed ticket, as hereinafter specified, a copy of said ticket. The voter receiving said ticket shall not vote it, but may consult it to enable him to write upon the ticket, printed at public expense, the name of such candidate, should he so desire, and designate the same by mark, as hereinbefore provided.

SEC. 4. *Be it further enacted*, That after the proper officer has been notified of the nomination, as hereinbefore specified, of any candidate for any office, he shall not withdraw same unless upon the written request of the candidate so nominated, made at least ten days before the day of election. Written request.

SEC. 5. *Be it further enacted*, That every general ballot which shall be printed in accordance with the provisions of this Act shall contain the names of all candidates nominated as hereinbefore specified, and not withdrawn as hereinbefore specified. The names of all candidates for the same office shall be printed together so that all the candidates of each political party shall be together and arranged alphabetically according to the initials of their surnames. But the order in which the title of the various offices to be Ballot, what to contain.

filled shall be arranged upon each separate ticket or ballot shall be left to the will of the officer or officers charged with the printing of said tickets. The names of presidential electors shall be arranged in groups, according to political parties, and preceded by the words "electors" (giving the name) for candidate for President and for (giving the name) candidate for Vice-president. Whenever the question of a constitutional amendment, or other question, is so submitted to the vote of the people, such question shall be printed upon the ballot after the list of candidates, followed by the words "yes" and "no," so that the voter can intelligently vote his preference by making a cross mark (x) opposite the proper word; immediately following the title of each officer shall be printed the words "vote for one," "vote for two," according to the number to be elected. The ballot shall be not less than eleven nor more than thirteen inches wide. On the back and outside, when folded, shall be printed "official ballot for," followed by the designation of the polling place for which the ballot is prepared, the date of the election, the number of the ballot itself, and a *fac simile* of the signature of the officer or officers charged with the printing of the ballots.

Books or blocks.

SEC. 6. *Be it further enacted*, That all ballots for use in each ward or civil district shall be fastened together, in convenient numbers, in books or blocks, in such manner that each ballot may be detached and removed separately. A record of the number of ballots printed and furnished to each polling place shall be kept and presented by the officer or officers in each county charged with the printing of ballots.

Two or more
polling places.

SEC. 7. *Be it further enacted*, That there shall be provided for each voting place, at which an election is held, such a number of ballots that there shall be at least one hundred for every fifty registered voters at said polling place. Every civil district or ward to which the provisions of this Act apply shall have the same number of polling places as now provided by law. Where there are two or more polling places in any one civil district or ward, a qualified voter of said ward or district may vote at the one he prefers; but to prevent repeating by voters, the Judge shall take up and cancel the certificate of registration presented by said voter. The registrars of election shall notify the Commissioners of election, or the officer

charged with the printing of ballots, of the number of registered voters in each ward and civil district at least twelve days before the day of election.

SEC. 8. *Be it further enacted*, That the Commissioners of Registration shall, in addition to the ballots, prepare full instructions for the guidance of voters at such elections, as to obtaining ballots, as to the manner of marking them, and the method of gaining assistance, and as to obtaining new ballots in place of those accidentally spoiled; and they shall respectively cause the same to be printed, in large, clear type, on separate cards, to be called "Cards of Instruction," and they shall respectively furnish the same and the ballots for use in each such election. .

Duties of
Commissioners.

SEC. 9. *Be it further enacted*, That the Commissioners of Registration shall deliver to one of the Registrars in each ward and civil district or voting precinct the proper number of ballots and cards of instruction as required by the provisions of this Act, on or before the day of the election. Where there are two or more voting places in any one ward or civil district, the Commissioner of Registration, in addition to the two Registrars from each ward or civil district, shall appoint two additional Registrars, so that there shall be two Registrars at each voting place.

Number of
Registrars.

SEC. 10. *Be it further enacted*, That in case the ballots to be furnished to any ward or civil district, in accordance with the provisions of this Act, shall fail, for any reason, to be duly delivered, or in case after delivery, they shall be destroyed or stolen, it shall be the duty of the Registrars in said ward or civil district to cause other ballots to be prepared substantially in the form of the ballots so wanting and to be furnished. And if there is not time to prepare said ballots substantially in the form as required by the provisions of this Act, then the Registrars may have printed plain white tickets of the most convenient size containing the names of the candidate as required by law, which shall be voted in the same manner, and under the same instructions, as the tickets herein provided for. Within three (3) days after the close of the polls on election days, the Registrars having furnished such tickets, shall make a written report of the whole circumstances of the loss of the tickets, and the printing of the others, un-

Failure to de-
liver. duties of
Registrars in.

der oath to the Commissioner of Registration, who shall make such indorsements as they see fit, and transmit the same to the Grand Jury of the Court.

Duties of
Registrars;
compensation.

SEC. 11. *Be it further enacted*, That in addition to the duties required in the registration of voters, the Registrars of election shall be compelled to distribute the tickets provided at public expense and such other duties as are provided for herein. And each Registrar shall receive, for the distribution of tickets on election day, the sum of one dollar. If any Registrar fails or refuses to serve as herein provided, the officer holding the election shall swear in a bystander of the same political faith of the Registrar not serving. The following oath at the opening of the polls shall be administered by the officer holding the election to each Registrar or bystander appointed to act as Registrar. "I do solemnly swear I will administer the duties of my office without fear or favor, and that I will not attempt to guide, direct, or influence any voter in the exercise of his franchise, so help me God." The bystander sworn in to act as Registrar shall receive the same compensation as the Registrar is entitled to. The Registrars shall have charge of the ballots and shall furnish them to the voters in the manner hereafter set forth. A certified list of the qualified voters in each ward or district in which there are more than one voting place shall be supplied by the Commissioner of Registration to the Judges at each of the following places.

Voting shelves
or tables.

SEC. 12. *Be it further enacted*, That the officer in each county, whose duty it is to hold the election, shall cause the same to be suitably provided with a sufficient number of voting shelves or tables at or on which voters may conveniently mark their ballots; each compartment, table, or shelf, shall be so arranged that it shall be impossible for one voter at one table, or in one compartment, to see another voter at another table or compartment in the act of marking his ballot. The arrangement shall be such that neither the ballot-boxes nor the voting shelves or compartments shall be hidden from the view of those just outside a guard rail which may run in front of the ballot-box. The number of such voting shelves, tables, or compartments, shall not be less than three for every one hundred voters qualified to vote at such polling places. No persons, other than the election officers and voters

admitted as hereinafter provided, shall be permitted within said rail or rooms where the election is held except by authority of the election officers for the purpose of keeping order and enforcing the law. Each voting shelf or compartment shall be kept provided with proper supplies and conveniences for marking the ballots.

SEC. 13. *Be it further enacted*, That the Registrar having the official ballots shall stand not closer than ten feet to the entrance of the room in which the ballot-box is placed. A double gangway with rail guards may run from the point occupied by the Registrar to the said entrance, and no one who has already voted, or who is not ready or qualified to vote, shall come nearer than fifty feet to said rail guard or entrance. As requested by each of the voters the Registrars shall hand the voter an official ballot and a card of instructions, but so that not more voters than there are voting compartments shall be admitted into the room in which are the ballot-box and the compartments, tables, or shelves. Regulations for voting place.

SEC. 14. *Be it further enacted*, That upon receipt of his ballot the voter shall forthwith enter the room in which the voting is to take place. He shall go to one of the voting shelves, tables, or compartments, and shall prepare his ballot by marking in the appropriate margin or place a cross (X) opposite the name of the candidate of his choice for each office to be filled, or by filling in the name of the candidate of his choice in the blank space provided therefor, and marking a cross (X) opposite thereto, and likewise a cross (X) opposite the answer he desires to give in case of a constitutional amendment. Before leaving the voting shelf or compartment the voter shall fold his ballot without displaying the marks thereon, but so that the words "Official ballot for," followed by the designation of the polling place for which the ballot is prepared, the date of election, and the *fac simile* of the signatures of the Commissioners of Registration shall be for the most part visible to the officers of election. He shall then vote in the manner now provided by law. He shall mark and deposit his ballot without undue delay, and shall quit said inclosed space or room as soon as he has voted. No such voter shall be allowed to occupy a voting shelf, table, or compartment already occupied by another, nor longer than Marking ballot.

ten minutes if other voters are not waiting, nor longer than five minutes in case other voters are waiting. No person shall be allowed in the room in which said ballot-boxes and compartments are, except the officers of election, and those appointed by the officer holding the election, and none other, to secure the observance of the provisions of this section. In the case of cities having duly enrolled policemen, or peace officers, the city authorities may designate the officers to keep the peace at the polls, on the outside of the room in which is the ballot-box, and not closer than ten feet to the entrance or outer rail guard, if there be such leading to said room. But in no event shall said policemen or peace officers come nearer to said entrance than ten feet, or enter the room in which is the ballot-box, unless specially requested to do so by the Sheriff or Deputy Sheriff holding the election; and at any time when requested to do so by said officer holding the election the said policeman or peace officer shall retire from the room in which is the ballot-box to a point not nearer than ten feet to the aforesaid entrance or rail guard.

spoiled.

SEC. 15. *Be it further enacted*, That no person shall take or remove any ballot from the polling place before the close of the polls. If any voter spoils a ballot he may successively obtain others, one at a time, not exceeding three in all, upon returning each spoiled one.

Inability to
mark ballot.

SEC. 16. *Be it further enacted*, That any voter who declares to the officer holding the election that by reason of blindness or other physical disability, he is unable to mark his ballot shall, upon request, receive the assistance of the officer holding the election in the marking thereof, and such officer shall certify on the outside that it was so marked with his assistance, and shall give no information in regard to the same.

Official indorse-
ment.

SEC. 17. *Be it further enacted*, That if the voter marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office. No ballot without the official indorsement of the Chairman of the Board of Commissioners shall be deposited, and none but ballots provided in accordance with the provisions of this Act shall be counted.

SEC. 18. *Be it further enacted*, That a voter who shall, except as herein otherwise provided, allow his ballot to be seen by any person, or who shall make a false statement as to his inability to mark his ballot, or place any mark upon his ballot by which it may be afterward identified as the one voted by him, or any person who shall interfere or attempt to interfere with any voter when inside said inclosed space, or when marking his ballot, or who shall endeavor to induce any voter before voting to show how he marks or has marked his ballot, shall be punished by fine not less than ten nor more than one hundred dollars, and election officers shall cause any person so doing to be arrested and treated as one caught in the very act of committing a misdemeanor. Penalty for exhibiting ballot.

SEC. 19. *Be it further enacted*, That any Commissioner of Registration or Registrar who willfully or knowingly refuses or fails to perform the duties herein prescribed, shall be guilty of a misdemeanor, and subject to a fine of not less than fifty and not more than two hundred dollars, and to imprisonment in the county jail not less than ten and not more than ninety days, at the discretion of the Court. Any officer of election who violates willfully and knowingly the provisions of this Act shall be subject to a fine not less than fifty and not more than two hundred dollars, and to imprisonment in the county jail not exceeding three months, at the discretion of the Court. Willful refusal to perform duty

SEC. 20. *Be it further enacted*, That all laws or parts of laws inconsistent with or contrary to the provisions of this Act be and the same are hereby repealed. Conflicting laws repealed.

Passed April 2, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 4, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 189.

AN ACT to change the line between Jefferson and Hamblen Counties.

Change of
County line

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county line between the counties of Jefferson and Hamblen be so changed as to include in Hamblen County the entire farms of A. C. Huff and E. B. Hale, a small portion of each now being in Jefferson County.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage.

Passed March 29, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 4, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 190.

AN ACT to change the time of holding the Quarterly County Court of Fayette County, Tennessee.

Change of time
for holding
court.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter the time for holding the Quarterly Courts of Fayette County, Tennessee, be and the same hereby is changed from the first Monday in January, April, July, and October in each year, to the first Tuesday in January, April, July, and October of each year.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with or inconsistent to the provisions of this Act, be and the same are hereby repealed. ^{Conflicting laws repealed.}

Passed April 1, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 4, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 191.

AN ACT incorporating the town of Bells, Crockett County, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all of the district of the county of Crockett contained in the following limits, ^{Act of incorporation.}
viz.:

Beginning at a stake in the center of the track of the Louisville & Nashville Railroad 450 yards southwest of a point opposite the middle of said railroad's depot building, runs thence in a northeasterly direction at right angles to the line of said railroad 1320 yards to a stake on the land of Mrs. A. I. Read, thence northeast parallel with the said railroad 1760 yards to a stake on the land of W. W. Sherrod, thence southeast, crossing said railroad at right angles 1760 yards on the land of — Mitchell, thence southwest parallel with line of railroad 1760 yards to stake on the land of G. W. Bell, thence northwest 440 yards to the beginning—to be called the town of Bells; that the inhabitants thereof are hereby constituted a corporation and body politic, by the name and style of the Mayor and Councilmen of

the town of Bells, and by this name shall have perpetual succession; shall sue and be sued, implead and be impleaded, in all the Courts of law and equity, and in all actions whatsoever; may purchase, receive, and hold property, both real and personal, within the said town, and may sell, lease or dispose of the same for the benefit of said town, and may purchase, receive, and hold property, both real and personal, beyond the corporate limits of the town, to be used for the benefit of the dead, for a hospital, or a poor-house, and may sell, lease, or dispose of such property, and do all other acts touching the same, as natural persons can do. They may have and use a common seal, and change the same at pleasure.

Mayor and
Council.

SEC. 2. *Be it further enacted*, That there shall be a Town Council, to consist of a Mayor and five (5) Councilmen, who shall be elected by the qualified voters of the town, and they shall hold their office for one year (during good behavior), and until their successors shall be elected.

Tie vote

SEC. 3. *Be it further enacted*, That when two or more persons shall have an equal number of votes for the offices of Mayor and Councilmen, the election shall be decided by a majority of the votes of the Councilmen then elected, and should a vacancy occur in the office of Mayor, Councilmen, or the Town Constable by death, resignation, or otherwise, it shall be filled in like manner, *i. e.*, by a majority vote of the Councilmen. It shall be the duty of the Mayor to preside at all the meetings of the Council, and in his absence the Council must elect some one of their own number to preside and act in his stead, and the actions of the person so selected shall be as binding as the Mayor, when present. The Mayor shall see that all the ordinances of the town are enforced, respected, and observed within the limits of the corporation, to call special meetings of the Council whenever the good of the town demands it, shall have and may exercise concurrent jurisdiction within the corporate limits with Justices of the Peace in all cases arising from a violation of the laws of the State of Tennessee, and shall have exclusive original jurisdiction of all cases arising within the corporate limits of the said town of Bells from a violation of her ordinances, by-laws, or regulations, unless, for some special reasons, he is disqualified, or unless he is ab-

sent from the town, in which cases any Justice of the Peace of the town may act in his stead, or the Councilmen may elect one of their own number Mayor *pro tem*.

SEC. 4. *Be it further enacted*, That Town Council shall have full powers and authority to appoint all officers and agents of the corporation as they may deem necessary, and may provide for the appointment of the same by ordinance; they may fix the compensation of all such officers, agents, and also for the Mayor and Town Constable. They may, for good and sufficient reasons, dismiss any officer or agent of the corporation, by them appointed, if two-thirds of the Council concur in such dismissal, and may fill their places by a majority vote.

Powers of
Town Council.

SEC. 5. *Be it further enacted*, That the election for Mayor and Councilmen (under this charter) shall be held by the Sheriff of the county of Crockett, or his deputies, within the corporate limits of the town, on the first Monday in June, 1889, and on the first Monday in June every year thereafter; the vote shall be by ballot, and all persons entitled to vote in State and county elections, residing within the corporate limits, shall be entitled to vote for Mayor and Councilmen, and all owners of real estate, situated in said corporate limits, not resident therein, shall be entitled to vote in said election, and in all cases of tie in the election of Councilmen the election shall be referred back (with due notice of said election) to the voters entitled to vote in said election, and to be held as before, in the next succeeding ten days. The polls shall be open at 10 A. M. and closed at 4 P. M. All officers of the town shall be sworn in on the second Monday in June, and shall give such bond as required.

Time of holding
election.

SEC. 6. *Be it further enacted*, That the Mayor and Councilmen shall have power by ordinances:

Power by ordi-
nance.

1. To levy and collect taxes upon all property taxable by law for State purposes.

2. To levy and collect taxes upon all privileges and polls taxable by the laws of the State.

3. To provide for the appropriation of all moneys and for the payment of all just debts and expenses of said town.

4. To open, alter, abolish, widen, extend, establish, grade, pave, and otherwise improve and keep in repair streets, alleys, and sidewalks; to establish and

keep in good repair bridges, culverts, sewers, and gutters, and to keep the same clean.

5. To regulate the use of lights, stove pipes, flues, etc., in all houses, shops, stables, kitchens, and other like places.

6. To erect, establish, and regulate market-houses and all other buildings necessary for the use of the town. To provide for the inclosing, improving, and regulating all public grounds belonging to the town in or out of the corporate limits.

7. To license, tax, and regulate auctioneers, grocery merchants, whisky dealers, retailers, brokers, bankers, coffee-houses, confectioners, hawkers, peddlers, livery-stable keepers, and tavern keepers, etc., also to regulate and suppress theatrical and other shows and amusements, also to regulate or prohibit all bawdy houses and disorderly houses.

8. To appoint and regulate a police within the town (by night or day), to impose fines or forfeitures and penalties for breach of any ordinance, and to provide for their recovery and appropriation. Said penalty shall not exceed fifty dollars (\$50) and cost, nor more than sixty days imprisonment for any single offense.

9. To provide for arrest and confinement in the calaboose until trial, of all violent persons and disorderly persons in the town by night or day.

10. To impose fines and forfeitures for all breaches of the peace, disturbances, or disorderly assemblies in any streets, houses, or places in the town by night or day.

11. To erect and organize in or near said town a work-house, and it shall be the duty of the Mayor, and he shall be so empowered by ordinance, to commit any person or persons who shall fail or refuse to pay any fine or cost imposed upon him by any ordinance of the town, to commit such person or persons to the work-house until such fine and cost are paid, either by cash or labor.

12. To prevent and remove all encroachments into and upon all streets, lanes, avenues, and alleys, etc., established by law or ordinance, and to remove all obstructions from the sidewalks, and to provide for the construction and repair of all sidewalks, gutters, and curbing; and for the cleaning of the same at the expense of the owners of the grounds, or tenants fronting thereon.

13. To prevent or declare all stenchs or offensive odors a nuisance, and shall have power to abate the same.

14. The Mayor and Councilmen shall appoint two from the medical profession, and they, together with the Mayor, shall be known as the Board of Health of the town of Bells, and this Board so constituted shall act in connection with the State Board of Health, and they shall, by ordinances, have full power to keep the town in proper sanitary condition, and their orders shall be carried out by the proper officers of the said town.

15. The Mayor and Councilmen shall have power to pass all ordinances, not contrary to the laws and constitution of the State of Tennessee, that may be necessary to carry out the full intent and meaning of this Act, and accomplish the object of this incorporation.

16. They shall also have power to elect a tax collector for said town, who shall hold office for one year, and said collector shall be entitled to the same fees and have the same liabilities and the same powers as all other officers elected by the State or county to collect taxes. His jurisdiction shall extend within corporate limits of said town.

SEC. 7. *Be it further enacted*, That there shall be a ^{Town} Constable, who shall be elected in the same manner and at the same time the Mayor and Councilmen are elected, and he shall be entitled to all the privileges and perform all the duties which shall be hereafter provided.

SEC. 8. *Be it further enacted*, That the Town Constable shall have the power to execute all State warrants for the violation of the criminal laws of the State of Tennessee committed within the said corporate limits, also to execute all warrants for the violation of the ordinances or charter of the town of Bells. He shall also have concurrent jurisdiction with any Constable of the State of Tennessee over all matters arising in the corporate limits. ^{Duties of Town Constable.}

SEC. 9. *Be it further enacted*, That the Mayor and Councilmen shall determine the amount of the Town Constable's salary, and he shall receive, besides the amount agreed upon by the Mayor and Councilmen, all the emoluments of his office in like manner with any Constable in this State. He shall have all the ^{Salary of Constable.}

rights, powers, and privileges within the corporate limits of the said town, and shall be subject to all the liabilities of other Constables of this State.

Powers of Constable.

SEC. 10. *Be it further enacted*, That the Town Constable shall have power to summons any person or persons, whether resident in the town of Bells or not, to aid him in arresting any disorderly or violent person or persons against whom he may have a warrant authorizing him to arrest the same, or for any offense committed in his, the said constable's, presence, and upon their refusal to aid him in executing the same they shall forfeit a fine of ten dollars (\$10.00) for every such refusal, to be recovered before the Mayor of the town upon the proof of said refusal, by issuing a warrant in the name of the Mayor and Councilmen of said town of Bells against said person or persons, and in case of conviction, and refusal to pay fine and cost, it shall be collected in like manner as herein provided for the collection of all fines and forfeitures.

Mayor to issue warrants.

SEC. 11. *Be it further enacted*, That for any violation of the town charter, by-laws, or ordinance, coming to the knowledge of the Mayor, it shall be his duty to issue a warrant and order the arrest of the party or parties so apprehended, to be brought before him for trial, and in the absence of the Town Constable he can appoint any citizen of the town to act as a special constable in such cases, or the Mayor may, for any violation of any of the laws of the town committed in his presence, order any person or persons to arrest said violator of the law and bring such before him for trial, and if any person or persons so ordered by the Mayor shall refuse to arrest said violator, he or they shall be dealt with in like manner as for their refusal to assist the Town Constable in making an arrest.

Calaboose.

SEC. 12. *Be it further enacted*, That, for securing person or persons who may be arrested for the violation of the ordinances of the town of Bells until their trial, and for the punishment of those who may be ordered to be imprisoned for any violation of the charter or ordinances of said town of Bells whom the Mayor does not think has committed a sufficient offense to be sent to the work-house, there shall be a calaboose or common prison-house of the town which shall be used for these purposes, and the Town Constable shall be required to take charge of the same and keep it in good repair, etc., feed and attend to the

prisoners confined therein, and for this service he shall be entitled — per day.

SEC. 13. *Be it further enacted*, That this charter is declared to be a public Act, and may be read in all the courts of law and equity in this State without proof, and shall go into effect on the second Monday in June, 1889, or as soon as the officers are elected and qualified. Charter as evidence.

SEC. 14. *Be it further enacted*, That all provisions in any laws contrary to or inconsistent with the provisions of this charter are hereby repealed. Conflicting laws repealed.

Passed April 2, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 4, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 192:

AN ACT to amend an Act entitled an Act better to secure the rights of tobacco planters, and of the tobacco trade; and to prevent fraud in the inspection and sale of tobacco, and to simplify the tobacco inspection laws, passed January 25 and approved January 28, 1871, being Chapter 65 of the Acts of 1870-71.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 4, Subsection 2, of Chapter 65, of the Acts of 1870-71, be and the same is hereby amended so as to read as follows, to wit: "He shall also enter into bond with good and sufficient security, to be approved by the Judge or Chairman of the County Court, and payable to the State, in the sum of five thousand dollars, conditioned to keep his warehouse in good condition and repair, so as effectually to protect the tobacco stored therein; Act of 1870-71 amended.

that he will not sell any tobacco that has been bought by him, or on his account, or purchase, on his own account, any tobacco stored in his warehouse, either directly or indirectly; and that he will perform faithfully, all the duties of warehouse keeper as prescribed by law."

Oath of
Inspector.

SEC. 2. *Be it further enacted*, That Section 8 of said Act be and the same is hereby amended so as to read as follows, to wit: That the proprietor of a warehouse, regularly licensed under this Act, shall be and is hereby created an inspector of tobacco, with power to appoint deputy inspectors; but before any warehouse keeper, who may personally act as inspector, or any deputy who may act as inspector for such warehouse keeper, shall enter upon the duties of an inspector, he shall go before the County Court Clerk and take and subscribe the following oath: "I (A. B.) do solemnly swear (or affirm) that I will carefully and diligently perform all the duties of an inspector of tobacco, according to law and to the best of my skill and judgment, without fear, favor, affection, malice, or partiality, and that I will not buy nor sell any tobacco inspected and sampled by me, nor accept any interest or profit in or from the purchase or sale of any tobacco inspected and sampled by me, so help me God." And shall enter into bond with good and sufficient security, to be approved by the Judge or Chairman of the County Court, and payable to the State, in the sum of five thousand dollars, conditioned to faithfully and honestly discharge the duties of his office; and that he will not buy nor sell any tobacco inspected and sampled by him, nor accept any interest or profit in or from the purchase or sale of any tobacco inspected or sampled by him.

Section 9
amended.

SEC. 3. *Be it further enacted*, That Section 9 of said Act be and the same is hereby amended so as to provide:

1. that the inspector of tobacco shall be personally present and witness the breaking of any tobacco for inspection, and personally attach his seal to the sample drawn, and to pay all just reclamations on tobacco improperly sampled by him.

2. That should any planter, or his agent representing him, claim that the sample drawn from his tobacco by an inspector does not represent fairly the hogshead from which it was taken, he may demand that such

hogshead be re-inspected, and the Tobacco Board of Trade shall appoint a committee consisting of two warehouse men and one buyer, who shall resample said tobacco so as to show, as nearly as may be, the average condition and quality of the hogshead, and upon said sample so drawn by said Committee; and the said sample drawn by the inspector, the said Board of Trade shall proceed to adjudge, in the same manner and in all respects, as reclamations in favor of the buyer are determined, the amount, if any thing, said hogshead has been undersampled by the said inspector, and the amount so adjudged shall be paid by said inspector to said planter. But nothing herein contained shall be so construed as to prevent any planter from guaranteeing his tobacco to come up to the sample drawn by any inspector.

SEC. 4. *Be it further enacted*, That Section 11 of said Act be and the same is hereby amended so as to read as follows, to wit: Section 11
amended.

1. That no warehouse keeper, nor any one in his employment, shall take or convert to his own use, or dispose of, any sample of tobacco, but the same shall be delivered to the purchaser, and all loose tobacco shall be neatly returned to the hogshead from which it came before cooping and weighing.

2. That no person shall willfully or wantonly pluck any leaf or leaves from any sample of tobacco, to which the inspector has attached his seal, either before or after sale.

3. Any person violating this section shall forfeit fifty dollars for each offense, one-half to State, the other to the informer.

SEC. 5. *Be it further enacted*, That Section 15 of said Act be and the same is hereby amended so as to read as follows, to wit: Section 15
amended.

1. That the proprietor of no warehouse shall sell any tobacco that has been directly or indirectly bought by him, or on his account, nor directly or indirectly purchase on his own account any tobacco stored in his warehouse. But this subsection is not to be construed as referring to the sale of crops of tobacco raised by the proprietor, or any of his agents or employees.

2. That the proprietor of no warehouse, nor any deputy of such proprietor, who shall act as inspector of tobacco, shall buy nor sell any tobacco inspected

and sampled by him, nor accept any interest or profit in or from the purchase or sale of any tobacco inspected and sampled by him.

3. Any person violating this section shall forfeit fifty dollars for each hogshead so purchased or sold, or in which such interest or profit was accepted, one-half to the State, the other to the informer.

Section 20
amended.

SEC. 6. *Be it further enacted*, That Section 20 of said Act be and the same is hereby amended so as to read, That the compensation of warehouse keepers for receiving, storing, inspecting, coopering, and selling tobacco shall be as follows, to wit: To be paid by the seller, \$2.50, and one per cent. commission on proceeds of sale; to be paid by buyer, \$1.50, and for storage after sale, after the first thirty days, for each month or part thereof, 25 cents.

Commercial
year.

SEC. 7. *Be it further enacted*, That Section 26 of said Act be and the same is hereby amended so as to read as follows, to wit: That the "Tobacco Commercial Year" commences and ends on the first day of November of each year.

Passed March 29, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 4, 1889.

ROBT. L. TAYLOR,
Governor

CHAPTER 193.

AN ACT to amend Chapter 98 of the Acts of 1887, entitled "An Act authorizing the sale of the Huntsville Academy, and to apply the proceeds thereof."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 98 of the Acts of 1887, passed March 11, 1887, be so amended as to require the proceeds arising from the sale of the property described in said Act to be turned over to the Trustees of the new Academy, to be used by them in the erection of their new buildings. Act of 1887 amended.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 29, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 4, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 194.

AN ACT to change the lines between Knox and Union Counties.

Change of
county line.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the lines between Knox and Union Counties be so changed as to include the lands of Charles H. Smith, R. H. Harless, A. K. My-natt, L. D. Bates, and Joseph Bates in Knox County.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 1, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 4, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 195.

AN ACT to incorporate the town of Gadsden, in the County of Crockett, and State of Tennessee, and provide for the election of officers and a Justice of the Peace, and prescribe their duties, and for other purposes.

Act of incor-
poration.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Gadsden, in the county of Crockett, and the inhabitants thereof, be and they are hereby constituted a body politic and corporate under and by the name of the Mayor and Aldermen of the town of Gadsden, may sue and

be sued, grant, receive, purchase, and hold real estate, mixed and personal property, or dispose of the same for the benefit of said town.

SEC. 2. *Be it further enacted*, That the corporate ^{Corporate limits.} limits of said town of Gadsden shall be as follows, viz.: Beginning at a point in the center of the railroad track 1650 feet, or 100 poles, northeast of the signal on the railroad depot, thence at right angles to the railroad, south forty-six degrees, east (S. 46° E.), 785½ feet to a stake, thence south five degrees and thirty-five minutes west (S. 5° 35' W.), 2102 feet to a stake at a point 127 poles distant from and at right angles to said signal lights on depot, thence south eighty-two degrees and twenty-five minutes west, 2102 feet to a stake, thence north forty-six degrees west 785½ feet to a point in the center of the railroad track 1650 feet or 100 poles, southwest of said signal light on depot; thence on same course 785½ feet further to a stake, thence north five degrees and thirty-five minutes east, 2102 feet to a stake at a point 127 poles distant from and at right angles to said signal light on depot; thence north eighty-two degrees and twenty-five minutes east 2102 feet to a stake; thence south forty-six degrees east 785½ feet to the place of beginning.

SEC. 3. *Be it further enacted*, That the Sheriff of ^{Sheriff to hold election.} Crockett County, when requested, after this Act becomes a law, after giving ten days' notice, shall open and hold an election in the town of Gadsden, on the second Monday in February, 1889 (or as soon thereafter, in the event this Act has not taken effect) and on the second Monday in February each and every succeeding year for the purpose of electing five persons to serve as Aldermen, and one person for Mayor, one person for Recorder, and one Magistrate for the corporation of said town of Gadsden, for one year, except as to Magistrate, who shall hold his office until the constitutional term of other Magistrates of the county expire by limitation, who shall be commissioned by the Governor of the State, and shall have concurrent jurisdiction with other Magistrates in said county, and all persons living in the limits of said corporation, who would be qualified to vote for members of the Legislature of this State, shall be entitled to vote in said election, and no person shall be eligible to the office of Mayor, Aldermen, Recorder,

or Magistrate, unless he be a citizen or householder in the corporate limits of said town of Gadsden ; and in case of death, removal, or resignation of any one of said officers of said corporation, the Mayor and Aldermen shall have power to fill such vacancies for time unexpired, except as to Magistrate, who shall be elected by the qualified voters, and should the Mayor's office become vacant, the Board of Aldermen shall appoint one of their own number to fill the unexpired term.

Certificate of election.

SEC. 4. *Be it further enacted*, That the several persons so qualified as aforesaid, having the highest number of votes at any election held, shall be declared elected, and the Sheriff holding the election aforesaid shall, within three days thereafter, give to each of the five Aldermen, Mayor, Recorder, and Magistrate, a certificate of their election, and send a certificate of the Magistrate elected to the Governor of the State for his commission, and it shall be the duty of the persons so elected, except the Magistrate, to meet at a suitable place in the town of Gadsden so soon as they receive the certificates of their election, and after having qualified or sworn into office, the Mayor and Aldermen, three of whom shall constitute a quorum, to proceed to elect a well qualified citizen of said corporation to act and perform the duties of Town Marshal.

Power and authority of corporation.

SEC. 5. *Be it further enacted*, That the corporation aforesaid shall have full power and authority to enact and pass such laws and by-laws to prevent and remove nuisances ; to provide for licensing and regulating auctions, taxing, regulating, or restraining theatrical or other public amusements and shows or exhibitions within the bounds of the corporations ; for restraining or prohibiting gambling, to regulate the sale of intoxicating liquors, beer, ale, or malt liquors ; establish night or day watches and patrols ; to ascertain, when necessary, the boundary and location of streets, lanes, and alleys, with the consent of the proprietors of said lots adjoining such streets, lanes, and alleys, to have and keep in repair the streets and alleys, to pass all laws necessary for the same ; to erect and regulate markets, drayage, and personal privileges ; to provide for the establishment and regulation of a fire company ; the sweeping of chimneys and safe condition of flues ; to impose and appropriate fines,

penalties, and forfeitures, for a breach of the by-laws or ordinances; to build and keep in good condition a lock-up or calaboose for the safe keeping of persons before trial who violate any of said ordinances or by-laws of said corporation; to levy and collect taxes on privileges, real and personal property, and on polls for the purpose of carrying the necessary measures into operation for the benefit of said town; to regulate the speed of locomotives, engines, and cars passing through said corporation, and prevent engines and cars from blocking up the public highways at their crossings, or standing within a certain prescribed distance from the crossings of said highways for a longer time than is actually necessary to transact their business, and to pass all laws and ordinances necessary and proper to carry the intent and meaning of this Act into effect; *provided*, they are not in violation of the Constitution and laws of this State.

SEC. 6. *Be it further enacted*, That the Mayor ^{To take oath.} and Aldermen, Recorder and Town Marshall of said town shall, before entering upon the duties of their office, take an oath before some Justice of the Peace of Crockett County to faithfully, uprightly, and honestly demean themselves as Mayor, Aldermen, Recorder, and Marshal of said corporation during their continuance in office.

SEC. 7. *Be it further enacted*, That the Marshal ^{Term of office.} so elected shall continue in office twelve months from the time of his election, but may be discharged from his office for unfaithfulness in the discharge of his duties by a vote of the majority of the Board, and before entering upon the duties of his office give bond with good solvent security, payable to said corporation, in the sum of five hundred dollars, to be approved by the Board, for the faithful discharge of the duties of his office, and account for all moneys by him collected as fines, costs, or taxes, and privileges; and the Recorder, before entering upon the duties of his office, shall give bond and good solvent security, payable to the corporation, in the sum of five hundred dollars, to be approved by the Board, to faithfully discharge his duties as an officer, and to account for and faithfully pay over all money as he may be directed by said Board, and shall hold his office for twelve months from the time he was elected, but may be discharged from office for unfaithfulness

by the Board, who shall have the power to fill his unexpired term by appointment.

Marshal to pay
over money.

SEC. 8. *Be it further enacted*, That the Marshal shall pay over monthly, to the Recorder, all sums of money collected by him for said corporation, taking receipt for same, and the Recorder shall render semi-annually, when called upon by the Board, each year, and as much oftener as the Board of Mayor and Aldermen shall require, a full and complete statement of the finances under his control, and the Recorder shall exhibit to the Board a complete statement of the finances of said corporation; and he shall also, within thirty days from the time of assessing the taxes of said corporation, deliver to the Town Marshal a tax list, which shall be the authority of the Town Marshal for the collecting of the taxes therein specified, and the Recorder shall preserve a copy of said tax list with the papers of said corporation: for assessing and making out tax list the Board may make such compensation to the Recorder for doing the work as they think just and right. No money shall be paid out except by the Recorder, and in no case shall he do so except upon the order of the Mayor, made in pursuance of the direction of the Board of Aldermen. At the expiration of his term of office the Recorder shall deliver to his successor all books and papers, money and other valuables belonging to the corporation, and take his receipt for same, and make a final settlement with the Board of Mayor and Aldermen.

Duties of
Mayor

SEC. 9. *Be it further enacted*, That it shall be the duty of the Mayor to preside at all the meetings of the Board; to see that all the ordinances and by-laws of the corporation are duly and properly enforced, respected, and observed within the town, and call special meeting of the Board of Mayor and Aldermen whenever he may deem it expedient; to make such suggestion and give instructions in reference to the actions of said Board as, in his judgment, will be most conclusive to the interest of said corporation; to give orders upon the Recorder of said Board, whenever said Board direct the same to be done, for the payment of any money that may be due from said corporation; to employ counsel in behalf of said corporation in any case in which said corporation may be

interested, when, in his judgment, the same may be necessary.

SEC. 10. *Be it further enacted*, That in addition to the duties already imposed upon the Recorder by this Act, he shall be invested with full power and authority to try all offenses for violation of the ordinances and by-laws of said corporation, and said Recorder of the town of Gadsden be and is hereby invested with concurrent jurisdiction with Justices of the Peace in all cases of the violation of the criminal laws of the State or of the ordinance or by-laws of the Board of Mayor and Aldermen of the town, within the corporate limits of said town, and for trying State offenses shall be allowed and entitled to the same fees now allowed to the Justices of the Peace for like services. Said Recorder shall keep a regular docket in a well bound book, the same as are kept by Justices of the Peace, and shall docket every case tried by him, and show amount of bills of cost of the same. Recorder to try offenders.

SEC. 11. *Be it further enacted*, That the Board of Mayor and Aldermen of said corporation shall have full power and authority to erect a work-house and lock-up, or calaboose, for the safe-keeping of persons when arrested, who fail to give bond, or put up forfeiture for their appearance before the Recorder for trial, and when any person or persons have been convicted of any violation of any by-laws or ordinances of said corporation, fails or refuses to pay, or secure to be paid, the fine and cost accruing thereon, the Mayor and Aldermen may provide, by an ordinance, for their confinement in said lock-up, work-house, or calaboose, and put them to work for the town, either within an inclosure, on the streets, or other public works, under proper guard, or secured by ball and chain, at such wages as the Board may adopt by ordinance until said fines and costs are paid. Work-house, etc.

SEC. 12. *Be it further enacted*, That the Board of Mayor and Aldermen shall have full power and authority to dismiss and remove any officer or agent appointed or elected by them, including the office of Recorder or Marshal, for incompetency or any violation, neglect, or disregard of the duties imposed upon them by the by-laws and ordinances of said corpora- Removal of officers.

tion; *provided*, that two-thirds of the Board of Mayor and Aldermen concur in the dismissal or removal.

Streets and
alleys.

SEC. 13. *Be it further enacted*, That the Board of Mayor and Aldermen of the town of Gadsden shall have full power and authority to lay off and open new streets, lanes, and alleys in said town, and extend the old ones for the convenience of the inhabitants thereof, in the manner and mode prescribed by Sections 1388, 1389, 1390, and 1391 of T. & S. Code of Tennessee; also may require the business houses in said town to make good brick or wood pavements in front of their houses.

Police
authority.

SEC. 14. *Be it further enacted*, That the Board of Mayor and Aldermen of the town of Gadsden shall have full power and authority by ordinances within the town, and for the distances of one mile from said corporate limits, to provide for the arrest and confinement, until trial, of all disorderly and riotous persons within the town found by day or night, and to authorize the arrest and detention of all suspicious persons found loitering about said town without any means of a support. Also to provide for all sanitary measures necessary to prevent sickness, and to establish quarantine when, in the judgment of the Board, the same is necessary to be done, and also to set the fees of Recorder, Town Marshal, and witnesses who may be required to attend trial of cause in behalf of the corporation.

Marshal to
have charge of
street force.

SEC. 15. *Be it further enacted*, That the Marshal elected or appointed by the Board of Mayor and Aldermen shall have charge of work hands on the streets, keep their time, and see they do good work.

Taxing district
abolished.

SEC. 16. *Be it further enacted*, That the present organization known as the taxing district of second class of the town of Gadsden, in Crockett County, Tennessee, organized by the County Court of said county, be and the same is hereby abrogated and annulled.

Conflicting laws
repealed.

SEC. 17. *Be it further enacted*, That all Acts or parts of Acts or laws contrary or inconsistent with

the provisions of this Act be and the same are hereby repealed.

Sec. 18. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 29, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 4, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 196.

AN ACT to amend Chapter 27 of the Act of the State of Tennessee passed by the Second Extraordinary Session of the Forty-second General Assembly, and to amend Chapter 237 of the Acts of the State of Tennessee passed by the Forty-third General Assembly, so as to detach Cannon County from the Fifth Congressional District and attach it to the Third Congressional district, and to detach Cumberland and Rhea Counties from the Third Congressional District and to attach them to the Fourth Congressional District, and to detach Marion County from the Third Congressional District and attach it to the Fifth Congressional District for the purpose of equalizing the population of said Congressional Districts.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 27 of the Acts of the State of Tennessee, passed by the Second Extraordinary Session of the Forty-second General Assembly, and Section 1 of Chapter 237 of the Acts of the State of Tennessee, passed by the Forty-third General Assembly, be and the same are hereby so amended as to detach Cannon County from the Fifth Congressional District and attach it to the Third Congressional District, and to detach Cumberland and Rhea Counties from the Third Congressional District and

Congressional districts altered.

attach them to the Fourth Congressional District, and to detach Marion County from the Third Congressional District and attach it to the Fifth Congressional District.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 3, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 4, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 197.

AN ACT to convert abandoned turnpikes into county roads, or give the land back to the original owners.

Abandoned
turnpikes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all turnpike roads chartered under the laws of Tennessee and abandoned by the incorporators or their successors before completed for a period of five years, or if completed the same or any part thereof is afterward abandoned for the period of five years, said abandonment shall be taken as a waiver of all rights under such charter to so much of said road as may be abandoned for said period.

Commissioners
to declare
county road.

SEC. 2. *Be it further enacted*, That if the abandoned road has been used by the public for said period of five years the County Court or Road Commissioners be and are hereby authorized to declare said road, or part thereof, a public road, classify the same, and keep it up as other public roads. But if said road has not

been used for public travel for said period of five years the lands shall revert to the original owners.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 4, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 198.

AN ACT to exempt Lincoln County from the operation of Section 1, Chapter 143, of the Acts of 1887.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County of Lincoln be ^{Lincoln County exempt.} and the same is exempted from the operation of Section 1, Chapter 143, of the Acts of 1887.

SEC. 2. *Be it further enacted*, That all Acts in conflict with this be and the same are hereby repealed, ^{Conflicting laws repealed.} and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 2, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 4, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 199.

AN ACT to change the line between the counties of Monroe and Loudon.

Change of
county line.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That the line between the counties of Monroe and Loudon be so changed as to include all the lands of William Davis and H. Clay Kelso in Monroe County.*

SEC. 2. *Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.*

Passed April 2, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 4, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 200.

AN ACT to repeal so much of the Act passed March 21, 1879, Chapter 139, as allows payment for wild cat and fox scalps.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That so much of the Act* ^{Part of Act of 1879 repealed.} *passed March 21, 1879, Chapter 139, as allows a compensation of one dollar for each wild cat scalp and fifty cents for each fox scalp, to be paid by the Clerks of County Courts, be and the same is hereby repealed.*

SEC. 2. *Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.*

Passed April 2, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 4, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 201.

AN ACT entitled an Act to regulate the payment of jurors and officers summoning them in cases where the venue has been changed.

Change of
venues; costs,
by whom paid.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when a change of venue of any case, either civil or criminal, is ordered by the Circuit or Criminal Courts of this State from one county to another the jury fees, in trying the case, shall be paid by the county from which the case is sent, and the fees of the officers, summoning jurors in cases where the venue is changed, shall be accordingly taxed and certified by the clerk in civil cases, and also by the Judge and Attorney-General in criminal cases in the same manner as such are now certified by law.

Conflicting
laws repealed.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 2, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 4, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 202.

AN ACT for the relief of Dan Irvin, of Smith County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That Dan Irvin, of Smith County, be relieved from the privilege put on artists and photographers.* Dan Irvin released from privilege tax.

SEC. 2. *Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.*

Passed April 3, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 4, 1889.

ROBT. L. TAYLOR.
Governor.

CHAPTER 203.

AN ACT to change the line between the counties of Hawkins and Hancock.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That the line between the counties of Hawkins and Hancock be so changed as to include all the lands of C. C. Brewer, George Lea, and S. L. Winstead, which now lie in Hancock County, in the county of Hawkins.* Change of county line.

SEC. 2. *Be it further enacted*, That said line be so changed as to take the following boundary of land, being about forty acres from Hawkins County, and attaching the same to Hancock County, to wit: Beginning in the Virginia and Tennessee State Line, in the Bock Valley at the last foot of Clinch Mountain, on a marked white oak, in said State Line, thence south 60° west forty poles to a stake, thence due west to the top of Clinch Mountain, and thence north-eastwardly with the top of said mountain to said State line, and being all the land embraced between this line and the State line between Tennessee and Virginia.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 30, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 4, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 204.

AN ACT to provide for the lease and management of the State Penitentiary.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of the Governor, who shall, for this purpose, call to his assistance the Board of Inspectors of the Penitentiary, consisting of the Secretary of State, Comptroller, and Treasurer, and at a date not later than the 15th day of September, 1889, to lease the penitentiary and labor of all the convicts who may, at the time of the expiration of the present lease, or thereafter, be undergoing sentence to the penitentiary, together with the Penitentiary buildings, quarry, grounds, and any and all fixtures, machinery, tools, engines, patterns, etc., that may belong to the State, pertaining to the penitentiary, for the term of six years, beginning on the first day of January, 1890; and said lease shall be in conformity to the provisions of this Act. But no lease shall be made in which the hire and rental secured shall be less than the sum of one hundred thousand dollars (\$100,000) per annum, clear of all expenses on any account to the State, and by which the State shall be saved from all expense incident to the maintenance thereof, except as hereinafter provided in Section 7 of this Act; and any and all bid or bids, offer or offers, made by any person, persons, firm, company, or corporation, for the lease of said penitentiary, convicts, etc., under the provisions of this Act, shall be subject to the approval of the Governor, Secretary of State, Comptroller, and Treasurer, and when disapproved by them, or three of them, shall be of no effect.

SEC. 2. *Be it further enacted,* That in the event the General Assembly at present sitting, or a future General Assembly, should order the building of a new main prison of the penitentiary, which said new main prison should be completed and duly accepted twelve months or more before the expiration of said lease, the lessee or lessees shall, upon the demand of the Governor and Board of Inspectors, with sixty days' notice, transfer the convicts in the present main

prison to such new prison, and surrender to the State, if required by the Governor and Board of Inspectors, the present main prison, buildings, fixtures, and grounds, and thereafter said new prison shall be treated, for all the intents and purposes of said lease, precisely as the present main prison, and stand instead thereof. But nothing in this Act shall be construed as an undertaking on the part of the State to build a new prison.

Provisions of
lease.

SEC. 3. *Be it further enacted*, That such lease shall provide that the lessee or lessees shall treat the convicts with humanity, and shall conform to such by-laws and regulations, as may be established by said Board of Inspectors and said officers, and said officers may adopt just and proper rules in relation to such convicts for their improvement and reformation in morals and religion, but such regulations shall not interfere with the safe keeping of said convicts that are to be governed, controlled, and disciplined by the Warden and Assistant Warden, according to the by-laws adopted by the Board of Inspectors. The guards shall be appointed and discharged by the Superintendent, and in his absence, the Warden may appoint or discharge guards, subject to his approval. The Warden shall be charged with the duty now imposed upon him by law, and the provisions of this Act, of treating the prisoners with humanity and kindness, and protecting them from harsh and cruel treatment, and overwork, and of exacting from them the performance of the service and labor to which they are bound by law. The number of guards is to be regulated by the Superintendent, Warden, and Inspectors, and in all cases said guards shall be sufficient for safe keeping of all convicts. And the work of said convicts shall be at an average of not more than ten hours per day, Sundays excepted, through the entire year, and the number of hours to be worked in the different seasons of the year shall be regulated by the Superintendent, Warden, and Board of Inspectors.

No damages.

SEC. 4. *Be it further enacted*, That said lease shall provide that the lessee or lessees shall have no claims for damages or commutations against the State because of the exercise of the pardoning power of the Governor, or by reason of any change in the criminal

laws of the State, nor for escapes, sickness, or death of prisoners, fire or any other accident whatever.

SEC. 5. *Be it further enacted*, That all the walls, buildings, and permanent erections of every kind in and about the prison, and belonging thereto, are to be kept and maintained as a State prison in the condition in which they now are, and in repair equal to that in which they are delivered, at the expense of the lessee or lessees, and to be redelivered in that condition, and that the State shall not be liable to replace any part thereof which may be destroyed by fire or accident, being liable only for injury or destruction occasioned by act of God or the public enemy, and that the lessee or lessees shall not be liable for any such loss of buildings or permanent machinery or other property belonging to the prison without blame on their part. But that no loss by fire or other accident shall release the lessee or lessees from the payment of any part of the hire or rental by them to be paid, but in case of the destruction of shops, building, machinery, or other property belonging to the prison, the Board of Inspectors may have others erected, and the necessary repairs made or the lessee or lessees be allowed to remove the convicts from the main to the branch prisons and work them there. In case said walls, buildings, and permanent erections, or any part of same, while in possession of the lessee or lessees, fall into a condition of bad repair, and said lessee or lessees fail and refuse to repair the same, as provided in this section, the Inspectors shall order the same to be put in a condition equal to that in which the same was received, the expense thereof to be charged to said lessee or lessees, and recoverable on their bond hereinafter provided for.

SEC. 6. *Be it further enacted*, That prior to the expiration of the present lease, it shall be the duty of the Superintendent and Board of Inspectors (who may employ a skilled mechanic to assist them) to take inventories and descriptive schedules, with condition and value attached, of all the property of every description belonging to the State, attached to or connected with the penitentiary, and the articles of like description and value, in as good condition and repair (the usual wear excepted) as when turned over by the State, under any lease that may be made under the provisions of this Act, to said lessee or lessees, shall

be by them redelivered to the State at the expiration of the lease.

Expenses, by
whom paid.

SEC. 7. *Be it further enacted*, That all necessary and proper prison expenses of every kind, formerly or under the provisions of this Act, chargeable to the State, shall be paid by the lessee or lessees, excepting only the salary of the Superintendent, Warden, Assistant Warden, Matron, Surgeon, and Chaplain, and the said lessee or lessees shall furnish all the supplies, food, clothing, tobacco, medical supplies, and all other outlays as are now required by law, or the provisions of this Act, for the prisoners promptly on the requisition of the Superintendent; in case of his absence, upon the requisition of the Warden, and in case of the absence of both the Superintendent and Warden, then upon the requisition of the Assistant Warden; said lessees shall furnish the convicts with good and serviceable clothing, including socks, shoes, or boots, and hats or caps; also good bedding and proper medicines, and it shall be the duty of the Superintendent, Warden, and Surgeon, as well as the Inspectors, to see that the same be so provided at the expense of the lessee or lessees.

Sanitary pro-
visions.

SEC. 8. *Be it further enacted*, That the lessee or lessees, at their own expense, shall provide necessary privies for each and every prison where convicts are confined, and shall keep the same deodorized and disinfected by dry earth or otherwise, and remove all excrements once every day, in a manner that shall not be injurious to the sanitary conditions of the neighborhood in which said prison is located, and should convicts be worked in mines, said lessee or lessees shall be required to keep the entrances, passages, and drifts as dry and comfortable as practicable, and use all precautions against the falling of ore, coal, slate, rock, and earth, and otherwise provide for the safety of the convicts.

Where convicts
to be worked.

SEC. 9. *Be it further enacted*, That the lessee or lessees will be permitted, except as hereinafter provided in Sections 11 and 12, to work the convicts at any place or places in the State of Tennessee, subject to the rules and regulations provided in this Act, and otherwise provided by law, and they shall have full control of the place or places, character, and kind of work or labor in which the convicts shall be employed. But if the convicts are to be employed in

any new species of labor other than such as has been heretofore done by them, the same shall be subject to restrictions by the General Assembly of the State of Tennessee; *provided*, it is found to be prejudicial to the public property or the good of the convicts.

SEC. 10. *Be it further enacted*, That said lessee or lessees shall, on the escape of any convict, be liable to pay such reward as the Governor may offer, not to exceed twenty-five dollars for each, and all the expenses otherwise incurred (including advertising) in the capture and delivery of such prisoners to the prison or its officers. Rewards, by whom paid

SEC. 11. *Be it further enacted*, That all convicts under the age of eighteen (18) years (except such as shall be employed in clerical service, or other light work, and kept separate from other convicts) shall be kept at the main prison, separate and apart from older and hardened criminals, and shall not be permitted to work in company with or, in any manner, come into contact with any other convicts except such as are, or may be, confined for the lower grades of offenses, and whose good conduct and example shall be such as to warrant the expectation that their presence would not have a contaminating effect upon such minors; and for the carrying out of this design a definite room, or rooms, or portion of the shops, shall be set apart for such convicts under eighteen years old, and such convicts of good conduct and example and low grade of offense as shall be placed with them, or such of either of them as shall be required to work in shops or other indoor labor, and in case such convicts shall, at any time or times, be worked at other kind of employment than that just mentioned, they shall be, as they are hereby required to be in all cases, kept strictly separate and apart from older and hardened criminals, and criminals of the higher grades of crimes, both during working hours and at all other times. And they shall be under the charge of the Warden, Assistant or Deputy Warden, and Chaplain, who shall report to the Governor and Inspectors any action of the lessee or lessees which shall indicate a failure to pursue these provisions, and a failure on the part of the lessee or lessees to perform, in good faith, the requirements of this section of this Act, after twenty days notice from the Governor and Inspectors, shall subject them to a forfeiture of the lease upon demand of Care of young convicts

the State. The Chaplain shall be permitted, after the working hours, to furnish, and shall furnish instruction in educational and moral training to such convicts under eighteen (18) years old as shall desire to take advantage of the same, not more than two hours a day, and a suitable place within the present walls shall be furnished by the lessee or lessees for such school.

Quarterly
payments.

SEC. 12. *Be it further enacted*, That said lessee or lessees shall give bond, as hereinafter provided, that he or they will faithfully pay into the State treasury quarterly the price agreed upon for said labor and the rental of said penitentiary, and to perform all the requirements imposed by the provisions of the lease herein provided for, and should said lessee or lessees fail, neglect, or refuse to make said payment, or to perform any or all of the duties or obligations required of him or them, under his or their said lease, or the provisions of this Act, or should said lessee or lessees, or any agent of his or theirs, knowingly and willingly treat the convicts cruelly or inhumanely, or keep confined within the walls of the main prison, at Nashville, exceeding four hundred convicts at any one time, in addition to female convicts and hospital inmates, except in case the accommodations or buildings shall be enlarged by the State, or except upon the permission of the Inspectors, and continue so to do after twenty days' notice from the Superintendent and Board of Inspectors, then the Governor and Board of Inspectors may declare said lease at an end, and at the expiration of twenty days, due notice of such declaration having been given to the lessee or lessees for that period, then said Governor and Board of Inspectors may re-enter and take possession of said penitentiary, and the custody and control of the convicts, and the same release as herein provided, for the unexpired term of the lease provided for in this Act, and for any loss or damage the State may sustain, because of such failure, neglect, or refusal on the part of said lessee or lessees, a recovery may be had on the bond of said lessee or lessees, hereinafter required, in any of the Courts of this State having competent jurisdiction.

State to take
possession.

SEC. 13. *Be it further enacted*, That in any pending litigation or suit between the State and lessee or lessees, the State shall be entitled to the management

and control of said penitentiary and convicts, any injunction to the contrary notwithstanding.

SEC. 14. *Be it further enacted*, That no convict under sentence now, or that may be hereafter sentenced, for the crimes of murder or rape, shall be worked or hired outside the prison bounds of the penitentiary unless by consent of the Inspectors upon the written request of the Warden.

Certain prisoners kept at main prison.

SEC. 15. *Be it further enacted*, That the Superintendent shall keep a correct register of the conduct of each convict, to be termed the "good time account," in which he shall faithfully record the exact conduct of each convict, and each convict, who shall demean himself uprightly, shall have deducted from the time for which he may have been sentenced, one month for the first year, two months for the second year, three months for each subsequent year until the tenth year inclusive, and four months for each remaining year of the time of imprisonment; *provided*, that the reduction of time herein provided for is upon the consideration of continued good conduct, and such record shall be evidenced for or against the convict in any of the courts in this State. And that Chapter 15 of the Acts of the extra session of the General Assembly of 1885, allowing convicts diminution of their sentences, is hereby expressly repealed.

"Good time account."

SEC. 16. *Be it further enacted*, That any of the powers reserved in such lease or vested by law in or to be exercised by said Board of Inspectors, or other officer or body, may be exercised by him or them, or their successors in office, or by such other officer or authority as the General Assembly may, at any time during the continuance of said Board, vest with said authority.

Powers vested in Board.

SEC. 17. *Be it further enacted*, That the Governor, before the lease can be made, shall cause the Secretary of State to advertise for sixty days in three newspapers, one published in each division of the State and in one newspaper in each of the cities of New York, Louisville and New Orleans, that said penitentiary, and property thereto belonging, will, on the 15th day of September, 1889, at twelve o'clock of said day at the Capitol of Tennessee, be leased to the highest bidder for the term of six years, from the first of January, 1890. And on the day above named, at the time above named, the Governor, together with

Secretary of State to advertise for bids.

the Inspectors, shall offer said penitentiary property and convict labor for lease, at public outcry at the place designated, and bid for the highest rental and hire shall be accepted; *provided, however*, that before said property shall be so offered, any person or persons desiring to bid for said property shall file with the Governor and Inspectors satisfactory evidence that in case the property and labor shall be struck off to such bidders, that he or they will fully comply with and execute the bond required by this Act. This evidence shall consist of a statement in writing, filed with the Governor and Inspectors, signed by the parties obligating themselves to become the surety of the party therein named, if such parties shall be the successful bidder, and before such party shall be permitted to bid on such statement and offer of said parties to become the sureties of the party or parties, there shall be indorsed by the Governor a certificate that the securities so proposed are good for the amount of the bond required under this Act, and, in addition to such other security as the Governor may require, such bidder shall deposit with the Governor a certified check for ten thousand dollars, payable to his order, on some solvent bank in this State, to be forfeited to the State in the event said bid is not complied with. And in case a party shall bid without having complied with this requisition, said bid shall not be cried or considered against a party or parties who have complied with the aforesaid requirements, and on the advertisements of the lease of the property and hire of the labor of the convicts these requirements shall be plainly and succinctly stated, but if there shall be no bids made in pursuance of this Act, then the Governor, as before provided, may advertise the second time, and if the result is that there shall be no bidders then the Governor and Inspectors may proceed by and through the Superintendent to hire out the labor of the convicts, making contracts for as long a period as possible, not exceeding six years, and may lease the penitentiary and machinery, etc., as they may think best, the Governor and Inspectors, in case the property and labor is leased and hired, shall require of the lessee or lessees a bond, with securities such as they will approve, in the sum of not less than one hundred thousand dollars, the form of the bond to be determined and approved by the Gov-

ernor and Inspectors, conditioned for a strict performance of all the requirements of this Act in regard to said lease, and in case of any necessity arising they may require additional security on said bond, and when said additional security shall be demanded and the lessee or lessees shall fail to give the same within twenty days from such demand, then the Governor, together with the Inspectors, shall declare the said lease forfeited and proceed to release the property and hire the labor as provided for in this Act for the unexpired time embraced by the terms of the lease.

SEC. 18. *Be it further enacted*, That the Superintendent shall report to the Governor and Board of Inspectors, biennially, the number of the escaped convicts, and the particular facts and circumstances attending the escape of each convict. Escaped convicts.

SEC. 19. *Be it further enacted*, That the Superintendent or Warden, or Deputy Warden, located at the main prison or any branch prison, or mine, where any convict or convicts may meet with sudden death or physical injury by means of violence or accident, shall, within ten days after the occurrence of such death or physical injury, report the same to the Inspectors, together with a detailed statement of all the facts and circumstances bearing upon the same, and the same to be sworn to. Officers to report deaths or accidents.

SEC. 20. *Be it further enacted*, That the officers for the government of the penitentiary shall be the three Inspectors, one Superintendent, one Warden, one Assistant or Deputy Warden, who shall be book-keeper and clerk as heretofore, and one matron, whose duty it shall be to look after the good conduct, comfort, and moral and religious training of female convicts; one physician and as many guards as the Inspectors and Superintendent may, from time to time, think necessary. Officers of penitentiary.

SEC. 21. *Be it further enacted*, That the Superintendent, Warden, Assistant or Deputy Warden, physician, chaplain, and matron shall be appointed by the Governor, and the Inspectors shall fix the salaries of said officials; *provided*, the salary of the Superintendent shall not exceed twenty-five hundred dollars per annum, that of the Warden shall not exceed fifteen hundred dollars per annum, that of the Assistant or Deputy Warden shall not exceed twelve hundred dollars per annum, that of the physician Officers appointed by the Governor.

shall not exceed one thousand dollars per annum, that of the chaplain shall not exceed eight hundred dollars per annum, and that of the matron shall not exceed four hundred dollars per annum.

Chaplain to
look after small
boys.

SEC. 22. *Be it further enacted*, That the chaplain, with the Warden, shall, from time to time, call the attention of the Governor to such little boys as may appear to them proper, and the chaplain shall make the results of his efforts with those boys a special part of his biennial report.

Physician at
branch prison.

SEC. 23. *Be it further enacted*, That there shall be at least one physician employed at each branch prison or place where any of the convicts shall be kept or worked, said physician to be appointed by the Superintendent, and not to receive less than sixty dollars per month; and no guard employed at the main prison or any branch prison, or elsewhere, shall receive less than forty dollars a month; said salary of physician and guards to be paid by the lessees.

Duties of In-
spectors.

SEC. 24. *Be it further enacted*, That the Board of Inspectors shall perform all the duties required of them by this Act, also such other duties as are prescribed in Sections 6327-6333 inclusive, of Millikin & Vertrees' compilation of law, without additional compensation.

Construction
of Act.

SEC. 25. *Be it further enacted*, That nothing in this Act shall be construed as repealing Sections 20, 21, 22, 23 or 24 of the Acts of 1883, Chapter 171, or any of the provisions of Millikin & Vertrees' compilation of laws of Tennessee, which are not in conflict with this Act, the same being permanent laws applicable to prison officials and management.

Officers subject
to order of
Board.

SEC. 26. *Be it further enacted*, That the Warden, Assistant Warden, matron, and guards shall be subject to the orders and controlled by the Inspectors and Superintendent as provided for by this Act, and by law and such rules and regulations as may be adopted by said Inspectors and Superintendent. It shall be the duty of Warden, Assistant Warden, and guards, by the direction of the Inspectors or Superintendent, to perform all duties required of them. They shall report all acts of cruelty or inhumanity inflicted upon the convicts by the lessee or lessees, to the Inspectors or Superintendent, who shall notify the lessee or lessees that the continuance of such

cruel and inhuman treatment will subject them to a forfeiture of his or their lease, as provided for in Section 12 of this Act.

SEC. 27. *Be it further enacted*, That the lessee or lessees shall be required to erect safe, secure, and comfortable buildings or places of confinement for the safe keeping of all convicts that may be removed from the main prison to any place in the State, as provided for in this Act, to be put at labor in mines, on railroads, on farms, or with the consent of the Governor and Inspectors, at any other kind of labor; the said lessee or lessees shall also provide hospital rooms or apartments for the sick and a competent physician. They shall supply such medicine as may be necessary, or which may be required by the physician, for the sick, as provided for in Section 7 of this Act.

Safe places
of confinement.

SEC. 28. *Be it further enacted*, That any Warden, Assistant Warden, keeper, or guard, who shall, by his or their misconduct or negligence, allow, permit, or suffer any convict to escape, or who shall receive from the lessee or lessees any gift, present, or reward, he or they shall be discharged at once and forfeit all salaries or wages that may be due him or them for his or their services, at the discretion of the Superintendent; *provided*, that the Warden or Assistant Warden at the main prison shall not be removed without the concurrence of the Governor.

Misconduct of
officer or guard.

SEC. 29. *Be it further enacted*, That it shall be the duty of the lessee or lessees to receive the convicts at the place of conviction and transport them to the penitentiary or to one of the branch prisons established by the lessees, free of any charge whatever to the State, and if said lessee shall fail or refuse for five days, after receiving notice to transport such convicts, they shall be transported to the State penitentiary as now provided by law, but the amount actually paid by the State for transporting them shall be refunded by the lessee or lessees to the State, as well as any sum paid by this State for guarding said convicts after final judgment has been pronounced against them, and the bond required of the lessee or lessees under this Act shall embrace this liability, and that Section 5264 of the Code, so far as the same is in conflict with this section, be and the same is hereby repealed; and when the term of service of the convict is about expiring it shall be the duty of the Warden, having the con-

Lessees to trans-
port convicts.

vict in charge at the expense of the lessee or lessees, to procure for such convict an untransferable pass or ticket to the railroad station nearest his place of residence when convicted, and money sufficient to transport him to the county seat of the county in which he resided when convicted, and to place such convict on board a train going in that direction when about starting, and such convict shall be furnished by the lessee or lessees with a substantial suit of clothes. At the adjournment of any court, on the disposal of the criminal docket it shall be the duty of the Clerk of the Court to notify the lessee or lessees of the number of convicts for the penitentiary; *provided*, that no counties where, because of the insufficiency of the county jail, or for any other cause, the court may be of opinion that the safe keeping of the convicts may require it, the court may order the immediate removal of convicts to the penitentiary or to the nearest branch prison at the cost of the lessee or lessees before the expiration of the time allowed to remove said convicts, provided that the lessee or lessees shall not be charged with a larger sum or amount for the removal of such convicts to the penitentiary or branch prisons than the rate and amount it usually costs the lessee or lessees for similar service.

Insurance.

SEC. 30. *Be it further enacted*, That the buildings, shops, and other property belonging to the State, connected with said penitentiary, may be insured by the Inspectors, but in the event said Inspectors shall fail for the space of twenty days after the lease herein provided for shall go into effect, then the lessee or lessees may insure the same, and have a credit for the amount of the premiums paid by them on the amounts due the State, from said lessee or lessees; *provided*, that in case of loss, the insurance money is to be used for the benefit of the State in replacing the property destroyed under the direction of the Inspectors; *provided*, there shall be one Assistant Warden at each of the branch prisons, to be appointed and subject to removal by the Superintendent of prisons; the salary of each Assistant Warden shall be fixed by the Superintendent, *provided*, said salary shall not exceed nine hundred dollars for large prisons, and six hundred dollars for smaller prisons, and that the Superintendent of prisons shall appoint a chaplain for each branch prison, whose

salary shall not exceed two hundred dollars, both the salaries of the wardens and chaplains to be paid by the lessees.

SEC. 31. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed, and that this Act take effect from and after its passage. the public welfare requiring it. Conflicting laws repealed.

Passed March 29, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 4, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 205.

AN ACT to annex certain territory to the City of Nashville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the area and corporate limits of the Mayor and City Council of Nashville, a municipality, organized under an Act of the General Assembly, passed March 21, 1883, Chapter 114, be extended so as to embrace and include the following territory lying contiguous thereto, and now a part of the Ninth and Tenth Civil Districts of Davidson County, Tennessee, to wit: Commencing where Douglass Avenue and West End Avenue intersect, thence westwardly with and including West End Avenue, to the point where the branch crosses West End Avenue, thence in a southerly direction with the meanders of said branch to where it crosses the Nashville and Hillsboro Turnpike, thence with and including said turnpike southwestly to the Vander- Extention of corporate limits.

bilt University fence, thence with the fence of said University in a southerly direction to a point where a street known as West Jackson street intersects with the old Nashville and Hillsboro Turnpike, thence with and including West Jackson street to the Granny White Turnpike, thence at right angles with and including the Granny White Turnpike, to Olympic Street, thence with and including Olympic Street to the Franklin Turnpike, thence in a straight line through intervening property to where the corporation line crosses Humphreys Street, said territory lying partly in the Tenth and partly in the Ninth Civil District of Davidson County, Tennessee. Also the following territory lying in the Seventeenth and Eighteenth Civil Districts of Davidson County, to wit: Beginning at the intersection of south Ninth and Tenth Streets, running thence eastwardly with Sevier Street to Division Street to Lindsley Avenue, thence westwardly to Lindsley Avenue to the Gallatin Pike, thence westwardly with the Gallatin Pike to McGavock or McFerrin Avenue to Georgia Street, thence westwardly to Georgia Street to Neill Avenue, thence northwardly with Neill Avenue to Marina Street, thence westwardly to the Louisville & Nashville Railroad, thence north with the center of the Louisville & Nashville Railroad to Bayard Avenue, thence west with Bayard Avenue on a line to Whites Creek pike, thence south with Whites Creek pike to Crutcher Street, thence westward with Crutcher Street to Cowan Street, thence south to the corporation line.

Disposition of
revenue.

SEC. 2. *Be it further enacted*, That all revenue derived from the taxation of real estate in the territory herein annexed, shall be applied by the city authorities to public improvements in said territory for a period of five years.

Passed April 3, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 4, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 206.

AN ACT to authorize the assorting, arranging, and printing of the Muster Rolls of Tennessee soldiers in the Mexican war.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the sum of five hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated for the purpose of assorting and arranging the Muster Rolls and other papers relating to the service of Tennessee soldiers of the Mexican war, and preparing a complete list of such soldiers by regiments and companies as far as possible, and printing the same. Muster rolls of Mexican Veterans.

SEC. 2. *Be it further enacted,* That the Adjutant-General is hereby directed to employ such assistance as may be necessary to accomplish the purpose of this Act, and that he cause to be printed three thousand pamphlet copies of such list when completed for the use of his office and to be furnished applicants for record of service. Adjutant-General instructed to print.

Passed March 29, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 4, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 207.

AN ACT to provide for the registration of voters in such towns, cities, and civil districts in the State of Tennessee having a voting population of five hundred votes or more in the Presidential election of 1888, or may hereafter have that number in any Presidential election.

Registration.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter in all cities, towns, and civil districts in the State of Tennessee casting five hundred votes, or more, in the Presidential election of 1888, or which may hereafter cast that number in any Presidential election, each and every voter, in addition to the qualifications now required by law to entitle them to vote, shall be registered as a voter, as hereinafter provided, before they shall be allowed to exercise the elective franchise.

Board of Commissioners to be appointed by Governor.

SEC. 2. *Be it further enacted*, That a Board of three Commissioners of Registration, two of whom shall constitute a quorum for the transaction of business, shall be appointed by the Governor for each county in which such city or cities, town or towns, civil district or civil districts falling within the provisions of this Act, requiring registration of voters, may be located, and said Commissioners shall be citizens of and qualified voters, as now provided by law, in the counties for which they are appointed, and of whom not more than two shall be of the same political party. They shall be appointed on or before the first of June, 1889, and every two years thereafter, and shall hold their office for the term of two years, and all vacancies shall be filled by appointment of the Governor, as in the first instance. Said Commissioners shall serve without compensation, and, before entering upon the duties of their office, shall take and subscribe to an oath before any Justice of the Peace or Judge of a Court of record authorized by law to administer oaths in the county for which they are appointed, to faithfully and honestly discharge the duties of their office. It shall be the duty of said Commissioners to qualify within fifteen days after their appointment, and organize by the selection of one of their number as Chairman, and to appoint Registrars of voters as hereinafter

provided, a majority of the Board, in all cases, having full power to Act. And a failure on the part of any such Commissioner to so qualify shall, in all cases, vacate the appointment of such commission.

SEC. 3. *Be it further enacted*, That the Commis-
sioners of Registration herein provided shall, ninety
days prior to every general, State, county, and mu-
nicipal election, appoint two Registrars of voters,
not more than one of whom shall be of the same po-
litical party, for such civil district, town, or city fall-
ing within the provisions of this Act in their re-
spective counties; *provided*, that where towns or
cities in such counties are divided into wards voting
separately they shall appoint two Registrars for each
ward in such town or city, otherwise for each voting
place.

Commissioners
to appoint Reg-
istrars.

SEC. 4. *Be it further enacted*, That the Commis-
sioners of Registration appointed under this Act, for
any and all counties affected by this Act, shall have
power to purchase, at the expense of their respective
counties, and shall purchase and furnish all such books,
stationery, etc., to the Registrars in the different wards
and districts affected by the provisions of this Act,
necessary to its proper execution, in accordance with
forms to be furnished by the State Comptroller as
hereinafter provided, and said Commissioners shall
certify cost of the same to the County Judge or Chair-
man, and he shall issue his warrant on the County
Treasury of his county to pay for said books, station-
ery, etc., and said Registrars shall be held accounta-
ble as custodians of said registration books, station-
ery, etc., except as hereinafter provided.

Stationery, how
furnished.

SEC. 5. *Be it further enacted*, That each registration
under this Act shall close at least twenty days before
the date of the election for which said registration is
had, and that upon the four Fridays and Saturdays
next preceding twenty days before each such election,
being the date of closing such registration, the Reg-
istrars shall be at their offices from 8 o'clock A. M. till
9 o'clock P. M. for the purpose of registering voters,
and furnishing to voters so registered certificates of
such registration, and no person shall be entitled to
vote in any district, town, or city affected by this Act,
in any election to which this Act applies, who has not
appeared in his own proper person before said Regis-
trars and been registered by them, and furnished with

When registra-
tion shall close.

a certificate of such registration, within the hours and on the days as hereinbefore provided. And it shall be the duty of said Registrars for civil districts and wards respectively to open, on the days designated herein for registration, in some convenient place in each ward or civil district affected by this Act, an office for the registration of voters, giving at least ten days notice of the time and place of such registration in some newspaper published in the county where such civil district, town, or city is located, or by written or printed notices posted in three or more public places in the civil district or ward for which they are appointed Registrars.

Applicant to
furnish in-
formation.

Duties of
Registrars.

SEC. 6. *Be it further enacted*, That in all cases where the application for registration is not personally known to the Registrars to be a legal voter in the civil district or ward in which he applies for registration, he shall, before being registered, answer and state his age, place of residence, stating district or ward, road or street, the number of his house, if numbered, and if not numbered then a designation of its location, if not the owner, then the name of the owner or renter, where he resides or boards, the time of his residence in said State and district or city, whether married or single, his avocation, place of business or where and by whom employed, the State, city, or district and postoffice; if a new comer, from whence he came, and if a foreigner, when and where naturalized; has he ever been disqualified as a voter by judgment or decree of any court, if so, when and by what court reinstated. The Registrars shall keep suitable books in which the statements or answers of such applicants for registration shall be entered by them, and the said statements or answers shall be, when so made and entered by the Registrars, sworn to by such applicant or applicants for registration, and for that purpose said Registrars, or either of them, are empowered by this Act to administer said oath, and any willfully or knowingly false swearing on the part of any applicant for registration, as to the statements or answers touching his qualification to vote as herein provided, is hereby declared to be perjury, punishable as perjury in other cases under the laws of the State. The Registrars shall number the names of voters as registered, giving the color of each voter opposite his name on the registration book, and shall furnish to

each voter so registered a certificate of his registration as a voter, which shall be numbered, corresponding with his name on the registration book, and shall show on its face the name of the voter, his color, the ward or district in which he resides, and in what election he is entitled to vote, under said certificate, and when so issued or delivered to the voter, he shall, on presentation of the same to the proper officer holding the election in the ward or district in which said voter resides, and for which said registration was held, be entitled to vote in the election for which the certificate shows his qualification to vote, unless on challenge it be shown by proof to the satisfaction of the Judges holding such election that the certificate was produced by fraud or perjury, or that the voter has removed from the ward or district in which he was registered, and no person shall be entitled to vote in such ward or district except on presentation of his certificate as a voter as hereinbefore provided for, and whose certificate of registration shall be taken up and cancelled.

SEC. 7. *Be it further enacted*, That the Registrars in each district and ward shall, immediately after the registration of voters for such ward or district is closed, keep the books of registration open for public inspection at the office of registration for the space of five days, and if any errors of a purely clerical nature are discovered during said time, the same shall be corrected by the Registrars. On the expiration of said five days the said Registrars shall make affidavit, before any officer in their county authorized by law to administer oaths, on their book of registration, immediately following the close of the list of names of registered voters, to the correctness of their registration, and that they have in all respects, in conducting such registration, complied with the provisions of this Act, and any false statement made in said affidavit is hereby declared to be perjury on the part of the parties making the same, and punishable as perjury in other cases, and said book or books of registration, when thus completed, shall be turned over by the Registrar to the Commissioners of Registration for the county for safe keeping, and said Commissioners shall thereafter be held responsible for the same as in case of other public records.

Books kept
open for inspection.

SEC. 8. *Be it further enacted*, That the Registrars herein provided for shall be compensated in the sum

Compensation.

of one dollar and fifty cents per day each for the eight days of registration hereinbefore designated, and shall have the same rate of compensation for one additional day for correcting errors as hereinbefore provided for, to be paid out of the county treasury on the warrant of the Judge or Chairman of the County Court when the account is certified by the Commissioners.

Day's registration.

SEC. 9. *Be it further enacted*, That at the close of each days' registration the Registrars shall draw a heavy black line, in ink, immediately under the last name registered on that day, entirely across the page of the registration book, to indicate the completion of that day's registration.

Misdemeanor in office.

SEC. 10. *Be it further enacted*, That any Registrar of votes willfully refusing to register any qualified voter shall be liable to indictment by the Grand Jury for a misdemeanor in office, and upon conviction, shall be sentenced to pay a fine of not less than ten dollars nor more than one hundred dollars, or imprisoned in the county jail or work-house for not less than ten nor more than thirty days, or both, at the discretion of the Court.

Qualification.

SEC. 11. *Be it further enacted*, That all persons qualified to vote under existing laws at the date of his application, or who may become qualified by reason of his arriving at the age of twenty-one years by the date of the election for which the registration is had, or who will be qualified by reason of having resided in the State for twelve months, and county six months by the date of said election, shall be entitled to be registered as a voter under this Act.

Disagreement.

SEC. 12. *Be it further enacted*, That if the Registrars disagree as to the right of an applicant to be registered as a voter, they shall register his name and issue to him a certificate, as in other cases, writing across the face of the certificate the words, "The Registrars disagree," and in such case the applicant may take such certificate to the Board of Commissioners of Registration, who shall determine the question of disagreement and indorse on the certificate the words, "Approved," or "Disapproved," as they may decide, and the holder of such certificate shall not be entitled to vote on such certificate unless the word "Approved" is indorsed on the same, and

signed by a majority of said Board of Commissioners.

SEC. 13. *Be it further enacted*, That in case of the temporary absence of a duly appointed Registrar on any of the days fixed for registration by this Act, from sickness or other cause, he (and on his failure to do so, the Commissioners of Registration) shall select a person from the political party to which he belonged to act for him and in his stead during such temporary absence, and should any duly appointed Registrar willfully refuse to act on any registration day, as herein provided for, the Registrar not refusing shall supply his place by appointment of another Registrar to assist him, from the same political party to which the declining member belongs, which appointment shall continue until the Board of Commissioners supply the place by another regular appointment; *provided*, that in each case an oath, the same as taken by regular Registrars, shall be administered to such temporary Registrar by any officer of his county authorized to administer an oath.

Absence of Registrar.

SEC. 14. *Be it further enacted*, That the said Registrars provided for in this Act, before entering upon the duties imposed upon them by this Act, shall take and subscribe to the following oath: "I do solemnly swear (or affirm) that I will faithfully and impartially keep the register of voters in my district (or ward), that I will not, knowingly, register or allow to be registered, any person not a legally qualified voter, and that I will not knowingly prevent any person from registering who is a legally qualified voter, so help me God."

Oath of Registrar.

SEC. 15. *Be it further enacted*, That it is hereby declared a misdemeanor for any person to register or have his name registered as a qualified voter under this Act, when he is not such qualified voter, or to vote, or attempt to vote on any certificate of registration issued under the provisions of this Act to some one other, or otherwise, than the person voting, or offering to vote on the same, or to procure, or induce any other person to register, or be registered, as a voter not being legally qualified as such, or to induce or procure any other person to vote, or attempt to vote, on any certificate issued under the provisions of this Act, to another or otherwise than to the person voting, or offering to vote, on the same, or to alter,

Fraudulent registration a misdemeanor.

change, forge, or counterfeit, or procure the same to be done by another, the certificates of registration provided for in this Act, or to issue, circulate, or in any way use, or attempt to use, any fraudulent certificate of registration, the same not having been regularly issued by duly appointed and legally qualified Registrars, as provided for in this Act: and any person convicted of either of said offenses shall be fined not less than fifty dollars. or be confined in the county jail or work-house not less than thirty days, or both, at the discretion of the Court.

Comptroller to
furnish all
blanks.

SEC. 16. *Be it further enacted*, That to secure uniformity in registering voters under this Act the State Comptroller shall furnish to the Commissioners of Registration in the various counties, where the same are required to be appointed under this Act, blank forms for all books and certificates of registration required under and by the provisions of this Act, and the same shall be paid for out of the State Treasury as other claims are paid.

Certified list
of voters.

SEC. 17. *Be it further enacted*, That said Registrars provided for in this Act shall furnish a certified copy of the list of voters registered by them in their respective wards or districts, and for each voting precinct therein, said certified copy to be signed by both of said Registrars and delivered with the books of registration to the County Commissioner, who shall furnish said certified copy of the list of voters to judges holding the elections under the provisions of this Act, at each voting precinct in said ward or district, to be used by said judges on election day to determine who may be entitled to vote under the provisions of this law, and said Registrars shall be entitled to fifty cents each for said certified copy of list of voters.

Conflicting
laws repealed.

SEC. 18. *Be it further enacted*, That all laws or parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Passed April 2, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 4, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 208.

AN ACT to authorize Anderson County to issue bonds to build a Court-house and Jail.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County of Anderson, through its Quarterly County Court, be and the same is hereby authorized and empowered to issue coupon bonds of the county for the purpose of erecting a court-house and jail, not to exceed the sum of twenty-five thousand dollars, bearing interest at the rate of six per cent. per annum, said interest payable annually, the bonds herein provided for to be payable in ten years from the date thereof, but may be redeemed at any time after three years by order of said Quarterly Court. May issue bonds.

SEC. 2. *Be it further enacted*, That each of said bonds shall be signed by the Chairman of the County Court and countersigned by the County Court Clerk, with his official seal affixed to the same, and may be in the denomination of twenty-five, fifty, and one hundred dollars, and each denomination shall be numbered in the order of issuance, beginning with "one." Signed by Chairman and Clerk.

SEC. 3. *Be it further enacted*, That each of said bonds shall have attached to it ten coupons, showing the amount of each annual installment of interest on said bond and when the same shall fall due, which coupons shall be signed in the same manner as the bonds, but without the official seal of the clerk, and showing on their face the number and denomination of the bond to which they are attached. The coupons herein provided for shall become due annually, and when due shall be receivable in payment of any county taxes except the sinking fund tax hereinafter provided for, and when so received or paid off by the Trustee or tax collector, shall be by him canceled by stamping or writing on the face thereof the date received or paid, and shall be held by him as his vouchers for the payment on his settlement with the Chairman of the County Court, who shall preserve said coupons as a part of the records of his office. Coupons.

SEC. 4. *Be it further enacted*, That it shall be the duty of the Quarterly County Court of said county Quarterly Court to levy tax.

annually to levy a tax on the taxable property and polls of said county for the purpose of paying the annual interest on said bonds, and also for the purpose of creating a sinking fund for the redemption of the bonds herein authorized when they fall due or are called in or redeemed as hereinafter provided, and to enable the County Court to know what amount of taxes to levy for these purposes. The Chairman of the County Court shall keep, in a well bound book, a record of the number and denomination of all bonds issued, to whom issued, and also of all bonds redeemed or paid.

Compensation
for collecting
tax.

SEC. 5. *Be it further enacted*, That the Trustee or tax collector shall collect and account for the tax herein authorized, the same as he is required by law to collect and account for other taxes, and shall receive the same compensation as for collecting other county taxes, and the County Court may, when it thinks proper, require such Trustee or tax collector to give an additional bond for the performance of his duties in collecting and accounting for said funds.

May redeem
bonds.

SEC. 6. *Be it further enacted*, That before the expiration of three years from the issuance of said bonds the Trustee or tax collector may redeem any of said bonds presented for redemption out of any money that may be in his hands derived from said sinking fund tax, or may receive said bonds in payment of said sinking fund tax, and after the expiration of said three years it shall be the duty of the Trustee to call for such an amount of said bonds as the sinking fund in his hands will redeem, calling for them by number, commencing with the lowest number, and redeeming them in the order in which they were issued, of such as are outstanding, and for this purpose he shall have access to the Chairman's books in which said bonds are numbered.

Call for bonds.

SEC. 7. *Be it further enacted*, That the call, as provided in Section 6 of this Act, shall be made on order of the Chairman of the County Court by public advertisement posted at the Court-house door of said county for thirty days, or by publishing the same in any newspaper published in said county, setting out the number and denomination of said bonds so called for, and such bonds not being presented for payment at the expiration of the said thirty days, the interest thereon shall cease from that date, and the coupons

not due thereon shall not thereafter be received for taxes not paid, but shall become void, and should the bonds so called, for be withheld, then shall the Trustee in like manner call for other bonds in regular order until the amount required be presented for redemption, and when any such bonds are redeemed as herein set out, the Trustee or tax collector shall, upon settlement with the Chairman of the County Court, have credit therefor, on account of sinking fund tax; and after they have been entered upon the Chairman's book as aforesaid, said bonds shall be defaced by stamping or writing across the face of the same the date when they were accounted for on settlement, and the same filed away with the coupons thereon, and theretofore redeemed as parts of the records of the Chairman's office.

SEC. 8. *Be it further enacted*, That said bonds shall Par value not be sold for less than par value.

SEC. 9. *Be it further enacted*, That said bonds shall Non-taxable. be non-taxable for county purposes when owned and held by citizens of Anderson County.

SEC. 10. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 2, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 4, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 209.

AN ACT to amend an Act entitled "An Act to collect and dispose of the taxes assessed for municipal corporations in this State whose charters have been or may be repealed, or which may surrender their charters, and to provide for the compromise and make settlements of the debts of such extinct municipal corporations respectively," passed March 13, 1879, and being Chapter 91 of the Acts of 1879, so as to authorize the Taxing District of Shelby County to collect the remaining taxes and assets due to the extinct municipality of the City of Memphis, without the aid or interposition of a receivership.

Preamble.

WHEREAS, The necessity for a receivership for the extinct municipality of the City of Memphis no longer exists; therefore,

Acts 1879, Ch.
91, repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much and such parts of the Acts of March 13, 1879, Chapter 91, entitled as above, as provides for the appointment of a Receiver for extinct municipalities, be and the same is hereby repealed in so far as the same may apply to or concern the extinct municipality of the city of Memphis, and the said office of Receiver, created by said Act so applicable to said extinct municipality, be and the same is hereby abolished, and the said Taxing District is hereby authorized to collect all remaining taxes, assets, and rents due to the said extinct municipality, and to this end the Receiver of said extinct municipality of Memphis is authorized and directed, under the orders and decrees of the Chancery Court of Shelby County, to make and pass his final settlement, and upon confirmation thereof, be released and discharged from his office of Receiver upon turning over to the said Taxing District all the assessment and tax books, other books, papers, documents, and properties in his hands belonging to said extinct municipality to the said Taxing District, and be receipted for by the Secretary of the Board of Fire and Police Commissioners of said Taxing District, and to pay over moneys in his hands to the said Taxing District, or as may be authorized and directed by the decree of said Court.

Extinct municipality to collect taxes.

SEC. 2. *Be it further enacted*, That this Act shall in nowise affect any suit now pending for the collection

of said taxes, assets, and rents, but the same may be prosecuted without change of parties, and new suits may be brought or pending suits amended in the name of the State, as heretofore provided in said Act for the collection of said taxes and assets, and in all respects said Act, and all Acts amendatory thereof, shall remain in full force and effect, as though this Act had not been passed, the sole purpose hereof being to enable the said taxing district to collect all taxes and assets of said extinct municipality in the same manner and for the same uses and purposes and trusts as are provided by said Act and its amendments, without the intervention of a receivership.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 2, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 4, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 210.

AN ACT to repeal the charter of the town of Bacchus, in the County of Claiborne, State of Tennessee.

Charter
repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That the charter of the town of Bacchus, in the County of Claiborne, State of Tennessee, be and the same is hereby repealed.*

SEC. 2. *Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.*

Passed April 3, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 4, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 211.

AN ACT to amend Chapte. 83 of the Acts of 1873, and Chapter 162 of the Acts of 1877 amendatory of said Chapter 83 of the Acts of 1873, being Acts to protect game in the counties of Montgomery, Robertson, Davidson, Maury, and Lincoln.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That Section 1, of Chapter 83, of the Acts of 1873, and Chapter 162 of the Acts of 1877 amendatory thereto, be and the same are hereby amended so as to read, as to the County of Lincoln, from the first day of March to the fifteenth of September, instead of from the first day of February to the first day of September.* Game law amended.

Passed April 2, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 4, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 212.

AN ACT to enable the town of Bristol to issue bonds for the purpose of improving its streets and sidewalks.

May issue
bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Mayor and Aldermen of the town of Bristol, Tennessee, be and they are hereby authorized and empowered, in their corporate capacity, to issue interest-bearing bonds of said town, signed by the Mayor and countersigned by the Recorder of said town, to an amount not exceeding twenty-five thousand dollars, the proceeds of which shall be used exclusively in the improvement of the streets and sidewalks of said town as the said Mayor and Aldermen may, from time to time, direct; *provided,* that said bonds shall not be issued until an election is held in said town to determine whether the legal voters of said town favor the issuance of said bonds.

Election.

SEC. 2. *Be it further enacted,* That the Mayor and Aldermen of said town shall, by ordinance, appoint some suitable time at which to hold said election, and shall appoint some suitable person to open and hold the same, and that said election shall be held under such regulations and restrictions as the said Mayor and Aldermen may, by ordinance, establish.

Who entitled to
vote.

SEC. 3. *Be it further enacted,* That all persons living within the limits of said town, and who are legal voters according to the laws of Tennessee, and who have been residing within the limits of the corporation of Bristol for thirty days preceding the day of said election, and being *bona fide* citizens of said town, and all persons owning real estate within the limits of said town of Bristol who do not reside within the same, shall be entitled to vote at said election.

Three-fourths
vote necessary.

SEC. 4. *Be it further enacted,* That if the number of votes cast at said election in favor of the issuance of said bonds be equal to three-fourths of all the votes cast at the preceding election of Mayor and Aldermen of said town, then the said bonds may be issued.

Denomination
of bonds.

SEC. 5. *Be it further enacted,* That the bonds herein provided for may be executed of the denominations of one hundred dollars to one thousand dollars, at

the discretion of said Mayor and Aldermen, and shall mature at times from five to thirty years, as may be fixed by ordinance, and shall bear interest at such rate as said Mayor and Aldermen may adopt; *provided*, it shall not exceed six per cent. per annum, said bonds to be issued with coupons attached.

SEC. 6. *Be it further enacted*, That said Mayor and Aldermen shall, by ordinance, provide for the assessment, levy, and collection of such taxes as may be necessary to pay said bonds so issued, and the accrued interest thereon, and may provide a sinking fund for that purpose. Assessment of taxes.

SEC. 7. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 2, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 4, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 213.

AN ACT to enable the town of Bristol to issue bonds for the purpose of erecting a suitable building for public or city school purposes in the town of Bristol.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Mayor and Aldermen of the town of Bristol, Tennessee, be and they are hereby authorized and empowered, in their corporate capacity, to issue interest-bearing bonds of said town, signed by the Mayor and countersigned by the Recorder of said town, to an amount not exceeding twelve thousand dollars, the proceeds of which shall May issue bonds.

be used exclusively in the purchase of sufficient material and the construction of a suitable building in the limits of said town of Bristol to be used exclusively for city school purposes in said town of Bristol in such way and manner and on such principles as the Mayor and Aldermen of said town of Bristol may by ordinance, not in violation of the laws of Tennessee, provided that said bonds shall not be issued until an election is held in said town to determine whether the legal voters of said town favor the issuance of said bonds.

Election.

SEC. 2. *Be it further enacted*, That the Mayor and Aldermen of said town shall, by ordinance, appoint some suitable time at which to hold said election, and shall appoint some suitable person to open and hold under such regulations and restrictions as the said Mayor and Aldermen may, by ordinance, establish.

Who entitled to vote.

SEC. 3. *Be it further enacted*, That all persons living within the limits of said town who are legal voters according to the laws of Tennessee, and who have been living within the limits of the corporation of Bristol for thirty days preceding the election, and being *bona fide* citizens of said town, and all persons owning real estate within the limits of said town of Bristol who do not reside within the same, be entitled to vote at said election.

Three-fourths vote necessary.

SEC. 4. *Be it further enacted*, That if the number of votes cast at said election in favor of the issuance of said bonds be equal to a three-fourths of all the votes cast at the preceding election of Mayor and Aldermen of said town, then the said bonds may be issued.

Denomination of bonds.

SEC. 5. *Be it further enacted*, That the bonds herein provided for may be executed of denominations of one hundred dollars to one thousand dollars at the discretion of said Mayor and Aldermen, and shall mature at times from five to thirty years, as may be fixed by ordinance, and shall bear interest at such rate as said Mayor and Aldermen may adopt, provided it shall not exceed six per cent. per annum, said bonds to be issued with coupons attached.

Assessment of taxes.

SEC. 6. *Be it further enacted*, That the said Mayor and Alderman shall, by ordinance, provide for the assessment, levy, and collection of such taxes as may be necessary to pay off said bonds so issued and the

accruing interest thereon, and may provide a sinking fund for that purpose.

SEC. 7. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 2, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 4, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 214.

AN ACT to change the times for holding the Circuit Court of Warren and DeKalb Counties, and for changing the times for holding the Chancery Court for Warren County, and to amend Chapter 8 and Chapter 144 of the Acts passed by the General Assembly in the year 1887, and to fix the times for holding said courts.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 144 of the Acts of the General Assembly, passed in the year 1887, be so amended that the Chancery Court of Warren County shall be held on the fourth Monday of May and November instead of the second Monday in said months, as in said Chapter 144, but this Act shall not change the times for holding the next May court. Time of holding court in Warren County.

SEC. 2. *Be it further enacted*, That Chapter 8 of the Acts of the Forty-fifth General Assembly of the State of Tennessee, passed in the year 1887, be so amended as to change the times for holding the Circuit Court for Warren County and DeKalb County, and that the Circuit Court of Warren County, after next May term, shall be held on the second Monday in January, May, and September, and that the Circuit Time of holding court in DeKalb County.

Courts for DeKalb County shall be held on the second Monday in March and November.

SEC. 3. *Be it further enacted*, That this Act shall not operate to change the terms for holding the DeKalb Circuit Courts until after the next July term of said court.

Passed April 3, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 4, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 215.

AN ACT to authorize the Board of Commissioners of the Taxing District of the town of Jonesboro, in the county of Washington, to borrow the sum of five thousand dollars for the purpose of purchasing, erecting, and repairing, and furnishing public school buildings in said town, and to issue interest-bearing negotiable bonds for said amount, and to levy and collect taxes for the payment of same.

May issue
bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Board of Commissioners of the taxing district of the town of Jonesboro, in Washington County, be and they are hereby authorized and empowered to borrow the sum of five thousand dollars for the purpose of purchasing, erecting, repairing, and furnishing public school buildings for the use and benefit of the scholastic population of said town, and to this end the Board of Commissioners of said taxing district may issue negotiable interest-bearing coupon bonds to the amount of said sum of five thousand dollars, and may negotiate and sell same for the purpose stated, but for no other purpose; said bonds shall be signed by the President of the Board of Commissioners and the Recorder of said

town, and shall be issued in such denominations as said Board of Commissioners may fix, and shall be payable on or before the expiration of twenty years from the date of their issuance, and shall bear interest at the rate of six per centum per annum, payable semi-annually, but said bonds shall not be sold or negotiated for less than par value.

SEC. 2. *Be it further enacted*, That the Board of Commissioners of said town be and they are hereby authorized and empowered to levy, and annually after the issuance of said bonds, and while said bonds, or any of them, are outstanding, a special tax on all the taxable property and a special privilege or license tax on all taxable privileges under the laws of the State within said taxing district, but in neither case to exceed the tax levied on said property and privileges by the State for the purpose of paying the interest on said bonds as it becomes due, and to provide a sinking fund to pay the principle at maturity; *provided*, that before this Act shall be operative the same shall be submitted to a vote of the citizens of said municipality, and if ratified or voted for by three-fourths of the qualified voters of the same, then said Board shall issue, and the Sheriff of the county or any Justice of the Peace living in said town shall open and hold the same by giving ten days notice, and the question submitted shall be “for the bonds” and “against the bonds,” and the returns shall be filed in the office of the County Court Clerk.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 2, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 4, 1889.

ROBT. L. TAYLOR.
Governor.

CHAPTER 216.

AN ACT to authorize and empower the County Court of Bradley County, Tennessee, to issue bonds for the purpose of erecting a new Court-house in the city of Cleveland, in Bradley County, Tennessee, and also for the purchasing of lands and grounds upon which to erect the new Court-house.

May issue
bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County Court of Bradley County, a majority of the Justices voting therefor, are hereby authorized and empowered to issue the bonds of the county, payable at such times and places, and in amounts as may seem to them proper, at a rate of interest not to exceed six (6) per centum per annum, the aggregate amount of said bonds not to exceed fifty thousand dollars, the proceeds of said bonds to be applied to the purpose of erecting a new court-house in the city of Cleveland, in said county of Bradley, and also to be applied in the purchase of suitable lands and grounds upon which to erect the court-house; *provided*, that the County Court of said county, before issuing said bonds, as herein provided, shall first submit the proposition to issue said bonds to a vote of the qualified voters of said county in the manner prescribed by law. Voters favoring the issuing of the bonds shall have written or printed on their tickets, "For the bonds;" voters opposed to issuing the bonds shall have written or printed on their tickets, "Against the bonds." If the majority of the qualified voters voting in said election are in favor of issuing the bonds, the County Court may proceed in the manner herein set forth.

Bonds signed by
Chairman and
Clerk.

SEC. 2. *Be it further enacted*, That said bonds, before issued, shall be signed by the Chairman of the County Court, and countersigned by the County Court Clerk, with his official seal of office affixed thereto.

Coupons.

SEC. 3. *Be it further enacted*, That each bond shall have attached coupons showing the amount of each annual installment and interest on said bond, and when the same shall fall due. Each coupon shall be signed in the same manner as the bonds, but without

the official seal of the court. The coupons, when due, shall be receivable for taxes due the county levied under the provisions of this Act, and when so received or paid off by the Revenue Collector of the county, shall be by him canceled by perforations, and by stamping on the face of the same the date of said payment, to be held by him as his vouchers on settlements.

SEC. 4. *Be it further enacted*, That the name of the party to whom each bond is issued, with the numbers, dates, and amounts, shall be entered by the Clerk of the County Court as the same is issued, in a well bound book to be kept by him, and the Revenue Collector, as he pays and takes up the coupons, shall enter the date of payment and amount of coupons under its corresponding bond on said book. Names of purchasers to be entered.

SEC. 5. *Be it further enacted*, That in order to meet the annual payments as they fall due, the County Court, at the time it levies taxes for other purposes in each year, shall levy a special tax on all taxable property and privileges in the county sufficient to pay each installment of the principal debt and interest, to be collected by the Revenue Collector as other taxes, and the same, when collected, shall be only for the payment of said installments and interest, and none other. Special tax.

SEC. 6. *Be it further enacted*, That the Chairman and the County Court Clerk shall be allowed such compensation for their services under this Act as the County Court, at its quarterly term, shall allow. Compensation.

SEC. 7. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 5, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 217.

AN ACT to change the line between the counties of Lewis and Lawrence.

Change of
County line.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That the line between the counties of Lewis and Lawrence be so changed as to include all the lands of the Laurel Hill Manufacturing Company, and of the Napier Iron and Mining Company, in Lewis County.*

SEC. 2. *Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.*

Passed April 2, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 218.

AN ACT to regulate elections in this State for electors for President and Vice-president of the United States, members of Congress, and Governor and members of the General Assembly.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all the elections hereafter to be held on the first Tuesday in November, as required by the Constitution of the State of Tennessee, there shall be prepared and furnished by the Sheriff of each county two ballot-boxes for each voting precinct in each county of the State. Ballot-boxes.

SEC. 2. *Be it further enacted,* That in one box shall be deposited the ballots cast for electors for President and Vice-president and members of Congress, and in the other and separate box be deposited the ballots cast for Governor of the State and members of the General Assembly. Separate boxes.

SEC. 3. *Be it further enacted,* That the County Courts, at the next session preceding the day of election, shall appoint six inspectors or judges for each voting place to superintend the election, three for the election of electors for President and Vice-president and members of Congress, and three for the election of Governor and members of the General Assembly, designating the inspectors or judges for each election or ballot-box. Appointment of election officers.

SEC. 4. *Be it further enacted,* That if the County Court fail to make the appointments as herein required, or any person appointed refuse to serve, the Sheriff, with the advice of three Justices, or if none be present, three respectable freeholders, shall, before the beginning of the election, appoint said inspectors. Failure to appoint officers.

SEC. 5. *Be it further enacted,* That while the ballots are being deposited and counted, said ballot-boxes shall be kept in different rooms of the house where the election is held, or if not convenient to hold them in different rooms of a house, they may be kept in different houses not nearer than one hundred feet of each other, and not farther apart than two hundred feet. If a building is not convenient, and if the election is held out of a building, the boxes shall not be nearer than one hundred feet and not farther than two hundred feet apart. Separate rooms for boxes.

Judges to make
certificates.

SEC. 6. *Be it further enacted,* That the qualifications of the judges and the oath of the judges and clerks, and their duties and powers, and the duties of the Sheriff, or other person holding the elections, are not changed or altered from the present requirements of the law, only the judges holding the election for electors for President and Vice-president and Congressmen shall make certificates as now required by law for said election, and judges holding the election for Governor and members of the General Assembly shall make certificates for said election.

Receiver and
Clerk for each
box.

SEC. 7. *Be it further enacted,* That for each ballot-box there shall be a receiving officer and clerks, as now required by law, with the same duties and powers, and appointed as now required by law.

Code amended.

SEC. 8. *Be it further enacted,* That Section 841 of the Code of Tennessee be and the same is hereby amended as to the number of judges to be appointed for the elections hereafter to be held on the first Tuesday in November as required by the Constitution of the State of Tennessee, and all laws in conflict with this Act are hereby repealed.

SEC. 9. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 219.

AN ACT to provide for a Board of Inspectors to examine and license engineers in cities and Taxing Districts having a population of 30,000 or over, under the Federal Census of 1880, or any future census.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee.* That a Board of Inspectors is hereby created in cities and taxing districts having a population of 30,000 or over, by the Federal Census of 1880, or any future census, the city or taxing district boiler inspector and two practical steam engineers to constitute said Board of Inspectors, to be appointed by the Mayor or President with the consent of the City Board of Aldermen, or taxing district Board of Fire and Police Commissioners and Board of Public Works. Their duties shall be to examine into qualifications of applicants for license to act as engineers of steam plants. One of the number shall act as Secretary, and keep minutes of proceedings, etc. He shall give bond in the sum of \$1,000 for the faithful discharge of his duties. Board of Inspectors.

SEC. 2. *Be it further enacted,* That any engineer appointed on this Board must have at least six years experience as a practical steam engineer, and must be a man of sober and steady habits. Engineer.

SEC. 3. *Be it further enacted,* That the Board shall hold a session at least twice each month for the purpose of receiving applications for license, and a majority of the Board shall constitute a quorum for the transaction of business. The Secretary shall keep a register of the names of all applicants, designating those found qualified and those found not qualified. Said Board shall grant certificates of license for one year from date thereof to all applicants who, upon examination, shall have the skill, experience, and habits of sobriety requisite to perform the duties of an engineer. Said Board shall vise all engineers licenses presented by the owners thereof granted to them by the United States laws without charge. Said United States licenses shall have the same effect as license granted by the Board. All certificates of license shall be signed by at least two members of the Board. A full Board, by unanimous vote, may re- Sessions of Board.

voke the license of any engineer for insobriety or neglect of his duties when in charge of a steam plant in use, but no license shall be revoked for cause, without first giving the accused party an opportunity to be heard in his own defense.

Permit to employ.

SEC. 4. *Be it further enacted*, That any owner or user of steam boilers of a capacity of not over seventy-five square feet of heating surface, a pressure of not over twenty-five pounds to the square inch, and all boilers carrying a less pressure than fifteen pounds per square inch used for heating purposes only, may obtain a permit from the Board to employ a careful and trustworthy person instead of a licensed engineer, such person to be recommended by two citizens, one of whom shall be a steam user or a licensed engineer. The boiler inspector shall have power to revoke such permit for cause. Where boilers are used for engines run day and night, the owner or user of same may employ some trustworthy person in place of a licensed engineer not exceeding twelve hours at a time, under the instructions of a licensed engineer in charge; in case of the owner or user of any boiler, shall, for cause, be deprived of the services of a licensed engineer, he may put a careful and trustworthy person in charge for a time not exceeding six days. Any violation of this section shall be deemed a misdemeanor, punishable by fine of not less than twenty-five nor more than two hundred dollars.

Violation a misdemeanor.

Refusal to employ licensed engineer a misdemeanor.

SEC. 5. *Be it further enacted*, That every owner or user of any boiler, or boilers, or steam generating apparatus of over ten horse power, shall, when said apparatus is in use, employ at least one licensed engineer, except as provided by Section 4, and any owner or user of steam power who shall neglect or refuse to employ a licensed engineer, as herein provided, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall pay a fine of not less than fifty nor more than three hundred dollars.

Two years' experience to obtain license.

SEC. 6. *Be it further enacted*, That every applicant for a license who fails to pass the examination of the Board is required to wait two weeks before again making application for a license, and the Board shall give him another examination. Every applicant for a license must make application on a blank furnished by the Board for that purpose. Applicants must have at least two years experience at mechanical or steam engineering, and must state his experience on

the blank. All applications must be signed by two citizens, one of whom must be a steam user or licensed engineer, who shall go before the Board and make oath that the statements set forth in such applications are true facts. Every engineer licensed by the Board is required to notify the Board when he accepts or leaves his employment, and the location of the plant in his charge. Every licensed engineer shall devote at least eight hours out of every twenty-four to the duties of the plant or building where he is employed as engineer, and if he neglects or fails to comply with this section, or if intoxicated while in the discharge of his duties, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten nor more than one hundred dollars, and shall have his license revoked for not less than one month. The fee for each license, or renewal, shall be five dollars, to be used to defray the expenses of the Board, "said fee to be paid the same as the city or taxing district privilege taxes are paid, and receipt for same indorsed upon the certificate, but no certificate shall be valid until said fee shall have been paid." The Board shall make such rules and regulations for their government as they shall deem proper, not inconsistent with this Act. The Board shall make a quarterly report to the Legislative or City Council, giving the number and names of applicants for license; the number rejected and the number granted certificates. Such report shall be signed by the full Board, and be open to the inspection of all parties interested. Each member of the Board shall receive one dollar (\$1.00) for attendance at each meeting of the Board, to be paid out of the funds received for fees for license issued.

SEC. 7. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it; *provided, however*, that this Act shall only apply to engineers or persons operating stationary engines.

Passed April 1, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 220.

AN ACT to amend Chapter 4 of an Act passed February 11, 1875, entitled "An Act to regulate trials by juries in civil cases."

Act of 1875,
amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an Act passed February 11, 1875, entitled "An Act to regulate trials by juries in civil cases," be so amended as to provide that hereafter all suits now pending in the courts of this State, or which may hereafter be brought, either party desiring a trial by jury shall be entitled to a jury; *provided*, he call for the same on the first day of any term at which the suit stands for trial, and have an entry made on the trial docket that he calls for a jury, and unless such demand is made and entry thereof on the trial docket, it shall be the duty of the court to try the case without a jury.

Conflicting
laws repealed.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be and are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 5, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 221.

AN ACT to authorize the Trustees of the Deaf and Dumb Asylum to
sell a vacant lot.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Trustees of the Deaf and Dumb Asylum at Knoxville, Tenn., are hereby authorized and empowered to sell and make title to the purchase of certain vacant lot on the north-east corner of Vine and Broad streets, and being of a triangular shape, on the north side of Vine street, in the city of Knoxville, Tenn. (and which was cut off from the main property on which the Deaf and Dumb Asylum now stands by the extension of Vine street), and to sell the same at public sale on such terms as they may deem best, and to apply the proceeds in the erection of a stable and other improvements on the grounds of said institution; *provided*, this lot of land shall not be sold for less than \$2,000. Authorized to
sell lot.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 5, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 222.

AN ACT to protect the line of Virginia and Tennessee as heretofore declared and established.

Tennessee and
Virginia State
line.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the compromise line dividing the State of Tennessee and Virginia, as located under the Act of 1801 and ratified and confirmed by the General Assembly of Virginia, on the 22d day of January, 1803, and by the General Assembly of Tennessee, on the 3d day of November, 1803, and rerun and remarked under an Act of the Legislature of Tennessee of date March 1, 1858, and a similar Act of the General Assembly of the State of Virginia of 1857, Chapter 43, known as the compromise line, equal distance from the Walker and Henderson lines, is hereby again in all things ratified and confirmed, and declared to be the true line dividing the State of Tennessee from the State of Virginia.

Governor may
employ counsel.

SEC. 2. *Be it further enacted*, That the Governor of this State is empowered to protect the territory of the State of Tennessee within its well defined limits, in all the courts of the country, and may employ counsel for this purpose whenever, in his judgment, it shall become necessary so to do to protect this commonwealth and the citizens thereof against illegal encroachments upon their rights as citizens of this State, the fee or fees for said services to be fixed by the Governor and approved by the Attorney-General.

Passed April 2, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 223.

AN ACT to permit turnpikes to abandon ferries.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That any turnpike company in this State whose charter requires or permits them to establish and run ferries, may abandon such ferries on any stream over which the County Court may build a free bridge within such proximity to the ferry as to turn to the bridge the travel that formerly used the ferry. May abandon ferries.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 224.

AN ACT to amend an Act entitled "An Act to provide for the organization of corporations," being Chapter 142 of the Acts of 1875, and to amend the charters of all Insurance Companies heretofore incorporated under said Acts.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 10 of the Act aforesaid prescribing the form of charters for Insurance Companies, and the same is hereby amended so Charter of insurance companies.

as to insert after the words “to persons in traveling” the following, viz: “Said companies shall also have the power to make insurance against disabilities to persons by disease or sickness or other bodily infirmities.”

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 6, 1889.

ROBT. L. TAYLOR.
Governor.

CHAPTER 225.

AN ACT for the relief of Samuel G. Slaughter, and to authorize the issuance of a duplicate State bond.

Duplic bond. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That “the Funding Board created by the Act approved March 20, 1883, entitled an Act to settle the amount of the public debt of the State, fix the rate of interest thereon, provide for the funding thereof, and the compensation of the officers of the State therefor,” be and said Board is hereby authorized to issue a duplicate Tennessee State bond for one thousand dollars, six per cent. interest-bearing bond, with coupons from July 1, 1888, to Samuel G. Slaughter, of Cookeville, Putnam County, Tennessee, in place of bond No. 637 issued April 6, 1886, funded under said Act, from White M. letter No. 332, said bond No. 637 being the property of the said Slaughter, and having been lost or destroyed, upon the said Samuel G. Slaughter entering into bond and

security before said Funding Board to secure the State of Tennessee harmless from any liability on account of the original bond for which the duplicate was issued. The bond required by this Act shall be renewed every four years.

SEC. 2. *Be it further enacted*, That said bond shall ^{Validity.} be marked "Duplicate," and when issued shall have all the validity of the original, and shall stand in lieu thereof.

SEC. 3. *Be it further enacted*, That the said S. G. ^{Fees.} Slaughter shall pay the fees required by said Act of March 20, 1886, for the issuance of said bond.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 226.

AN ACT to define the powers of the County Court with reference to permitting the construction of railroads upon the public roads of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter it shall be un- ^{Conditions for railroads on public high-ways.} lawful for any corporation or person to construct or use an ordinary steam railroad for the transportation of freight and passengers upon any country road or county highway of this State without the consent of the County Court of the county in which said road lies, and before it shall be lawful for the County Court to give such consent, the corporation desiring to construct such railroad shall procure and file with the County Court the written consent of the owners

of the lands abutting upon such road or highway, aggregating in such abutting length at least one-half of all the lands in value, such value to be the value of said abutting lands running back from said road two hundred feet upon both sides of the road to be occupied by said railroad, and any ordinary steam railroad constructed upon such county road or highway without the consent of the said County Court, first lawfully obtained, shall be considered a nuisance, and liable to be treated as such, both by the public authorities and by private persons. But when the consent of said County Court shall have been first lawfully obtained, such railroad may be lawfully constructed and operated upon such road or highway under such restrictions as to the manner of construction and mode of use as the County Court may see fit to impose in granting the license; *provided*, that railroads already constructed upon any road or highway of this State under a license of the County Court are hereby declared to be lawfully constructed, and this Act shall not be construed as requiring a new license from the County Court for such construction or operation under its provisions.

Compensation
for damages.

SEC. 2. *Be it further enacted*, That this Act shall not be construed so as to prevent said owners of land abutting upon such road from obtaining due compensation for damages arising from the construction of such railroad, such damages to be just compensation for all property taken, injured, or damaged by the building or operations of said railroad, said damages to be ascertained and paid before the right to appropriate the property to be occupied shall accrue as now provided by law.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 2, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 227.

AN ACT to change the time of holding the County Court of Pickett County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the time of holding the Quarterly Court of Pickett County be and the same is hereby changed from the first Monday in January, April, July, and October of each year, to the second Monday in January, April, July, and October of each year. ^{Change of time of holding court.}

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Passed April 5, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 228.

AN ACT to repeal an Act to revive the charter of the Kinka Turnpike Company, passed November 23, 1865, and to repeal an Act to amend the same, passed March 11, 1867.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Sections 1, 2, 3, 4, and 5 of an Act to revive the charter of the Kinka Turnpike Company, passed November 23, 1865, and an Act passed to amend the same, passed March 11, 1867, be and the same are hereby repealed. ^{Act of 1865 and 1867 repealed.}

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 5, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. OLAPP,
Speaker of the House of Representatives.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 229.

AN ACT for the benefit and regulation of corporations heretofore created for purposes of education and learning.

May receive and
hold real estate.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That corporations heretofore created for purposes of education and learning under the provisions of the Acts of the General Assembly of Tennessee, passed prior to or subsequent to the adoption of the Constitution of 1870, shall have power to purchase and hold, or receive by gift, in addition to the personal property owned by said corporation, any real estate necessary for the transaction of the corporate business, and also to purchase or accept any real estate in payment, or part payment of any debt due to the corporation, and sell realty for corporation purposes.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 2, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 230.

AN ACT to amend an Act passed March 19, 1875, Chapter 142, Section 13, and to amend an Act passed March 2, 1887, entitled "An Act to amend Section 13, Chapter 142 of 1875, which provides for the incorporation of street railroad companies, and to authorize the use of electricity."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That any street railroad company which has heretofore used dummy steam engine or cable power in the operation of its cars may operate the same by electricity; *provided*, the city or town in which said railroad company operates its cars, and is located, by its proper authorities gives its assent to the same, and that the Act specified in the caption hereof be so amended, and this Act take effect from and after its passage, the public welfare requiring it.

Electricity on
street railroads.

Passed April 6, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 231.

AN ACT to amend Section 2 of the charter of the Mount Olivet Cemetery Company passed on the 18th day of February, 1856.

Charter
amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 2 of the charter of Mount Olivet Cemetery Company be and the same is hereby so amended as to permit said company to hold for burial purposes the two hundred and twelve acres of land purchased by them already, and that the said company is hereby authorized to purchase more land from time to time up to the amount of four hundred acres, to be held by them for burial purposes, under the same restrictions and conditions as are prescribed in their original charter.

Passed April 6, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 232.

AN ACT to establish a Recorder's Court in the town of Petersburg,
Lincoln County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Recorder in the town of Petersburg, Lincoln County, be and is hereby invested with concurrent jurisdiction with Justices of the Peace in all cases of violation of the criminal laws of the State, and also with full power and authority to try and punish all persons guilty of a violation of the ordinances of the Mayor and Aldermen of said town; *provided,* said violation take place within the corporate limits of the said town of Petersburg.

Jurisdiction of Recorder.

SEC. 2. *Be it further enacted,* That the Mayor and Aldermen of said town of Petersburg shall have power to regulate the police of the town, to impose fines, forfeitures, and penalties for the breach of any ordinance, and to provide for their recovery before the Recorder of said town; to provide for the arrest and confinement until trial, of all rioters and disorderly persons within said town by day or by night; to prevent and punish, by pecuniary penalties, all breaches of the peace, noise or disturbances, or disorderly assemblies in any street, house, or place in said town, by day or by night. They shall have power also to erect and use, as they may choose, a work-house, jail, or calaboose, in or near said town, and any person who shall fail or neglect to pay or to secure to be paid any fine and cost, or fines and costs, imposed upon him by the Recorder of said town sitting as a court, as by this Act he is fully authorized to do, shall be, by said Recorder, committed to said work-house, jail, or calaboose for such time as said Recorder may determine. [The person so committed may, and shall have the privilege to work for said town at such labor as his health and strength will permit, not exceeding ten hours each day; and for such work and labor the person shall be allowed, exclusive of his board, a credit upon such fine and costs of one dollar and fifty cents per day until the whole is discharged, when he shall be released; *provided,*

Powers of Mayor and Aldermen.

that no person shall be compelled to work longer than three months for any one offense.]

**Powers of Town
Constable.**

SEC. 3. *Be it further enacted*, That the Town Constable of said town of Petersburg shall have power to execute State warrants and other process which constables generally have power to execute within the corporate limits of said town.

**Mayor and
Aldermen to
fill vacancies.**

SEC. 4. *Be it further enacted*, That the Town Constable of said town shall, in all respects after his election to office, be subject to the by-laws, orders, rules, and regulations of the Mayor and Aldermen of said town, and for any violation, neglect, or disregard of said by-laws, orders, rules, and regulations, he shall, at the will and in the discretion of said Mayor and Aldermen, be removed from office; and should a vacancy occur in said office of Town Constable by such removal, or from any other cause, the said Mayor and Aldermen shall proceed to elect another individual qualified to fill said office, who shall serve for the residue of the time of said Constable.

Fees.

SEC. 5. *Be it further enacted*, That the fees of said Town Constable and Recorder shall be the same as Justices of the Peace and other Constables.

SEC. 6. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 5, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 233.

AN ACT to amend an Act passed April 5, 1881, entitled "An Act amending an Act to incorporate Union City in the county of Obion, and for other purposes, passed December 17, 1867.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an Act entitled an ^{Act of 1881} ~~an~~ ^{amended.} Act amending an Act to incorporate Union City in the county of Obion, and for other purposes, passed April 5, 1881, be so amended as to provide as follows:

That the Board of Mayor and Aldermen for said corporation of Union City in Obion County may divide such corporation into three wards, the same to be designated as wards No. 1, 2, and 3. That ward No. 1 shall embrace that portion of said corporation lying and being west of the Mobile and Ohio Railroad, ward No. 2 to be composed of that portion of said corporation lying east of the Mobile and Ohio Railroad and north of the Nashville and Northwestern Railroad, and ward No. 3 that part of said corporation lying south of the Nashville and Northwestern Railroad and east of the Mobile and Ohio Railroad.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 2, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 234.

AN ACT to repeal the law requiring the Secretary of State to furnish stationery to the members of the General Assembly, and to provide for furnishing the same.

Law to furnish
stationery re-
pealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all laws or parts of laws requiring the Secretary of State to furnish stationery or other necessary articles to members of the General Assembly, be and the same are hereby repealed.

Appropriation
for stationery.

SEC. 2. *Be it further enacted*, That each member of the General Assembly be and is allowed the sum of five dollars for the purchase of necessary stationery; *provided*, that this Act shall not apply to the Forty-sixth General Assembly.

Passed April 5, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 235.

AN ACT to change the county line between Loudon and Monroe Counties so as to include all of the land of J. H. Lenard in the county of Loudon.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the county line between the counties of Loudon and Monroe be so changed as to include all of the land of J. H. Lenard in the county of Loudon. Change of
county line.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 236.

AN ACT to settle all doubts and disputes as to the name and source of the Tennessee River.

WHEREAS, Divers opinions exist as to the true source of the Tennessee River, thereby causing confusion in statutes, deeds, and other instruments; now, therefore, and in order definitely to establish the name and source of said river: Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Tennessee extends from its junction with the Ohio River, at Paducah, in Tennessee
River.

the State of Kentucky, past the Clinch and French Broad Rivers to the junction of the north fork of the Holston River with the Holston, at Kingsport in Sullivan County, Tennessee, all usages to the contrary notwithstanding.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage.

Passed April 6, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 237.

AN ACT to authorize the County Court of Rhea County to issue bonds to build a Court-house and Jail.

Authorized to
issue bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County Court of Rhea County, a majority of the justices voting therefor, are hereby authorized to issue the bonds of the county, payable at such times and places and in such amounts as may seem proper, at a rate of interest not to exceed six (6) per cent. per annum, the aggregate amount of said bonds not to exceed fifty thousand dollars. The proceeds of said bonds to be applied to the purpose of erecting a court-house and jail. Said bonds in no event to be sold at less than par.

Chairman and
Clerk to sign
bonds.

SEC. 2. *Be it further enacted*, That said bonds, before issued, shall be signed by the Chairman of the County Court and countersigned by the County Court Clerk, with his official seal of office affixed thereto.

Coupons.

SEC. 3. *Be it further enacted*, That said bonds shall have attached coupons showing the amount of each

annual installment and interest on said bonds, and when the same shall fall due; each coupon shall be signed in the same manner as the bonds without the official seal of the Court. The coupons, when due, shall be receivable for taxes due the county, levied under the provisions of this Act, and when so received and paid off by the revenue collector of the county, shall be by him canceled by perforation and by the stamping on the face of the same the date of said payment, to be held by him as vouchers on his settlement.

SEC. 4. *Be it further enacted*, That the name of the party to whom each bond is issued shall be entered by the Clerk of County Court in a well-bound book to be kept by him, and the revenue collector, as he pays and takes up the coupons, shall enter the date and amount of coupons under its corresponding bond in said book. Name to be entered by Clerk.

SEC. 5. *Be it further enacted*, That in order to meet the annual payments as they fall due, the County Court, at the time it levies taxes for other purposes in each year, shall levy a special tax, and all taxable property and privileges in the county sufficient to pay each installment of the principal debt and interest to be collected by the revenue collector as other taxes, and the same, when collected, shall be used for the payment of said installment and interest, and none other. Special tax.

SEC. 6. *Be it further enacted*, That the Chairman and County Court Clerk shall be allowed such compensation for their services under this Act as County Court, at its quarterly session, shall allow. Compensation.

SEC. 7. *Be it further enacted*, That before said bonds shall be sold and delivered, and before the same shall be obligatory upon said county, the County Court of said county shall order an election to be held at such time as said County Court may designate by an order upon its minutes, but said election to be advertised for not less than thirty days, and to be advertised in the same manner as now prescribed by law for the election of county officials, and said election to be held in the same manner and by the same officers, and appointed in the same way as for holding elections for county officers, and the order and notices for said election, the number, rate of interest, and the date of the maturity of said bonds should be recited, and Election.

when said election is held the voters favoring the issuance of such bonds will write upon their tickets "for the bonds," and those opposing their issuance will write upon their tickets "against the bonds," and the officers of said election will make their returns of said election in the same manner as now required for the election of county officers, and upon such return the County Court of said county shall compare the returns, and if upon an inspection thereof it shall appear that a majority of the votes cast in said election is for the issuance of said bonds, said County Court shall so declare and make an entry accordingly upon its minutes, and said County Court is hereby clothed with the power to hear and determine any question with respect to the validity of said election, and in said election all persons qualified to vote for members of the General Assembly of Tennessee shall be qualified voters in said election.

Passed April 6, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 238.

AN ACT to amend an Act entitled an Act to amend an Act to incorporate the town of Milan in the county of Gibson, and State of Tennessee, and for other purposes, passed February 15, 1866, and to amend the Act to incorporate the town of Bristol, in Sullivan County, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Act referred to in ^{tax collector} ~~in~~ ^{for Humboldt.} the caption hereof be amended by adding to Section 4 of said Act the following: That the said Board of Mayor and Aldermen of the town of Humboldt shall, at the beginning of their term of office, every two years, elect a tax collector of said town, and shall fill all vacancies in said office of tax collector as the same may occur, and that said tax collector shall hold his office for two years unless removed by the said Board for cause, and that the duties of said tax collector shall be to collect all taxes due to said corporation except privilege taxes, and he shall be required to execute bond in a sum to be fixed by said Board, payable to the Mayor and Aldermen of the town of Humboldt, for the faithful performance of his duties as such collector, and that he shall receive such compensation as tax collector as may be allowed him by the said Board. That all taxes in said town shall be due and payable on the first day of October of the year for which they are assessed, and shall be paid on or before the first day of January thereafter. That after the first day of January of each year the tax book or list of taxes for said town, whether the same be for the year next preceding, or any prior year within the statutes of limitation, and applicable to taxes, shall have the force and effect of an execution from a Court of records, and shall be authority for distraining or levying on personal property for the collection of such taxes, and the said tax collector, with such book or list in his hands for collection, shall levy on such property when necessary, in his judgment, to collect such taxes, or he may garnishee for the same purpose in the same manner that a Sheriff or Constable may garnishee with an execution, and upon such levy or garnishment the tax col-

lector shall be paid the same fees as are allowed to the Sheriff for such services by law, to be paid by the delinquent taxpayer, and he shall also be allowed ten per cent. commission on taxes collected by levy, to be paid by the delinquent taxpayer as a penalty on him or her for failure to pay taxes until levy is made. That said collector shall, when he levies on personalty, advertise the same by printed or written posters, for ten days within the corporation, and sell the same to the highest bidder at public outcry, and apply the proceeds to the payment of unpaid taxes, and costs and penalties, but if the said tax collector cannot collect nor find personalty on which to levy for unpaid taxes before the first day of June next after the year for which such taxes are assessed, or for any unpaid taxes prior to that, the Board of Mayor and Aldermen of said town shall file a bill in Chancery in the corporate name of said town against the delinquent taxpayer, or heirs, or distributees of the same, to enforce the tax lien, and to collect such taxes as may be due up to date of filing such bill, and they may make twenty or less delinquents parties to said bill, and such cause shall be conducted and tried as other Chancery causes, and such delinquent, on recovery by complainant in such cause, shall be taxed in addition to other costs, the sum of two dollars and fifty cents each to cover solicitor's fees, and this shall be a lien on the property ordered sold.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 239.

AN ACT to conditionally convey to a Board of Trustees for the Ladies Hermitage Association twenty-five acres of the Hermitage tract, including the mansion house and tomb of General Andrew Jackson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That twenty-five acres of the Hermitage tract, upon which are located the mansion house and tomb of General Andrew Jackson, be and they are hereby conveyed in trust to the Ladies Hermitage Association, and, for said purpose, the Governor shall appoint, upon recommendation of the Ladies Hermitage Association, nine discreet male white persons over the age of twenty-five years, two of whom shall be residents of East Tennessee, two shall be residents of West Tennessee, and five shall be residents of Middle Tennessee. They shall elect one of their members President and one of their members Secretary. Five members shall constitute a quorum for the transaction of business, and said Board of Trustees are hereby authorized and empowered to make and enforce such by-laws as may be necessary to put into operation and continual execution the objects and purposes for which this trust is created.

Ladies Hermitage Association—Trustees for.

SEC. 2. *Be it further enacted*, That the objects for which this trust is created is to permit and encourage the Ladies Hermitage Association to improve and beautify the mansion and other houses and the tomb as well as the twenty-five acres upon which they are located, in such manner as they may deem best, and to keep them in such high state of improvement and beauty as will display to the world the respect, love, and affection which should ever live in the hearts of an admiring people for their illustrious and departed chieftain; *provided*, that visitors shall be allowed access to the grounds free of charge under reasonable rules to be prescribed by said society.

Objects of trust.

SEC. 3. *Be it further enacted*, That in the event the Ladies Hermitage Association should, at any time, fail, neglect, or refuse to improve the house, tomb, and land herein conveyed, and to keep them in a high state of beauty and improvement, then said houses,

Failure or refusal to keep up and improve.

tomb, land, and such other improvements as may be upon said twenty-five acres, shall revert and go to the State of Tennessee without compensation to the Trustees, Ladies Hermitage Association, or other corporation or person. And the State shall not be required to pay any money whatever for such improvements as the Trustees, Ladies Hermitage Association, or other person or persons may have made upon said houses, tomb, or lands.

Term of office
of Trustees.

SEC. 4. *Be it further enacted*, That the Trustees appointed as provided in Section 1 of this Act each shall hold his office for four years, and until his successor shall have been appointed and qualified, and all vacancies by death, removal, expiration of term or otherwise, shall be filled by the Governor upon recommendation of the Ladies Hermitage Association, as provided in Section 1 of this Act; *provided*, the State may revoke this trust at will.

Conflicting laws
repealed.

SEC. 5. *Be it further enacted*, That all laws or parts of laws in conflict with the provisions of this Act be and they are hereby repealed, and this Act take effect from and after its passage, the public welfare requiring it.

Passed April 5, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 240.

AN ACT to amend an Act entitled "An Act to provide for the organization of corporations, being Chapter 142 of the Acts of 1875, and to amend the charters of all gas companies heretofore incorporated under the laws of the State of Tennessee."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 25 of the Act ^{Act of 1875} ~~amended.~~ aforesaid prescribing the form of charter for a gas company be and the same is hereby so amended as to confer upon all gas companies, whether organized under said Act or under prior Acts of the General Assembly of this State, the following additional rights and powers: Said companies shall have full power and authority to manufacture and vend gas, to be made from any and all of the substances or combination thereof from which inflammable is now or may hereafter be obtained.

SEC. 2. *Be it further enacted,* That the amendment aforesaid be and the same is hereby inserted into and ingrafted upon the charter of each and every gas company heretofore incorporated under the laws of this State. ^{Amendment inserted in charter.}

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 5, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 241.

AN ACT to prevent spread of Hydrophobia in Tennessee.

Hydrophobia. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That it shall be unlawful for any person in this State to permit any dog to remain on his premises after said dog has been bitten by a mad dog or any dog affected with hydrophobia; provided, that the killing of such dog within twenty-four hours after being notified shall be a lawful defense.*

Penalty for violation. SEC. 2. *Be it further enacted, That a violation of this Act shall be deemed a misdemeanor, and any person convicted under the same shall be subject to a fine of not less than ten dollars nor more than fifty, and the grand jurors of the various Circuit and Criminal Courts of this State shall have inquisitorial powers over offenses under this Act.*

SEC. 3. *Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.*

Passed April 4, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 242.

AN ACT to amend an Act entitled "An Act to provide for the organization of corporations," passed March 19, 1875, being Chapter 142 of the Acts of 1875, so as to provide for the organization of corporations for the encouragement and support of art, agricultural, horticultural, and mechanic arts, such as fairs, expositions, art exhibits, and associations of like nature, including associations for the improvement of blooded stock and other objects of like character.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an Act passed March 19, 1875, and approved March 23, 1875, entitled "An Act to provide for the organization of corporations," the same being Chapter 142 of the Acts of the General Assembly of 1875, be and the same is hereby so amended as to authorize and provide for the organization and chartering of corporations for the encouragement and support of art, agricultural, horticultural, and mechanic arts, such as fairs, expositions, art exhibits, and associations of like nature, including associations for the improvement of blooded stock and other objects of like character. Act 1875 amended.

SEC. 2. *Be it further enacted*, That the form of a charter for a corporation for the encouragement and support of art, agricultural, horticultural, and mechanic arts, such as expositions, fairs, art exhibits, and associations of like nature, including associations for the improvement of blooded stock and other objects of like character shall be as follows: Form of charter.

STATE OF TENNESSEE—CHARTER OF INCORPORATION.

Be it known, that (here insert the name of five or more persons not under twenty-one years of age, applying for the charter), are hereby constituted a body politic and corporate, by the name and style of (here insert name), for the encouragement and support of art, agricultural, horticultural, and mechanic arts, such as fairs, expositions, art exhibits, and associations of like nature, including associations for the improvement of blooded stock and other objects of like character. The general powers of said corporations are as follows: (Here insert the general powers contained in section five (5) of said Act above entitled,

as found on pages 236, 237, and 238 of the said Acts of the General Assembly of 1875.)

Manner of obtaining charter.

SEC. 3. *Be it further enacted*, That the charters of corporations provided for in this Act shall be obtained in the manner pointed out in Section 26 of said Act, passed March 19, 1875, and approved March 23, 1875, entitled "An Act to provide for the organization of corporations," which said section is hereby made applicable to all corporations authorized by this Act.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 2, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 243.

AN ACT to repeal an Act to authorize C. Wilson Catlet to erect a dam across the south sluice of Little Pigeon River, passed May 25, 1866.

Act of 1866
repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an Act passed May 25, 1866 (which is Chapter 128 of the Acts of 1866), "to authorize C. Wilson Catlet to erect a dam across the south sluice of Little Pigeon River," be and the same is hereby repealed and the removal of any existing dam is hereby authorized.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 5, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 244.

AN ACT to protect game in certain counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be unlawful for any person or persons, other than citizens of Tennessee, to hunt, kill, or capture any wild deer, wild turkey, quail, or partridge, or any species of game or fish in Bledsoe, Cumberland, Grundy, James, Meigs, Morgan, Overton, Marion, Rhea, Roane, Sequatchie, Van Buren, Warren, and White Counties at any season of the year. Unlawful to hunt and kill game in certain counties.

SEC. 2. *Be it further enacted*, That it shall be unlawful for any person or persons other than citizens of the counties mentioned in the first section of this Act, to hunt and kill deer, or any species of game, in said counties for profit, but all citizens of Tennessee may hunt and kill deer or any species of game in said counties for their own consumption. Residents may hunt and kill game.

SEC. 3. *Be it further enacted*, That any person or persons violating the provisions of the first section of this Act shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than twenty-five nor more than one hundred dollars, and be Misdemeanor.

imprisoned in the county jail at the discretion of the Court.

Misdemeanor.

SEC. 4. *Be it further enacted*, That any person violating the provisions of the second section of this Act shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than five nor more than twenty-five dollars.

Grand Juries.

SEC. 5. *Be it further enacted*, That this Act shall be given in charge by the Judges of the Circuit or Criminal Courts to the grand juries at each term of the Court.

Conflicting laws repealed.

SEC. 6. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Passed April 5, 1889

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 245.

AN ACT ratifying the consolidation and merger of the Mississippi & Tennessee Railroad Company with and into the Chicago, St. Louis & New Orleans Railroad Company.

Consolidation ratified.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the consolidation and merger of the Mississippi & Tennessee Railroad Company with and into the Chicago, St. Louis & New Orleans Railroad Company, in pursuance of this article of consolidation, signed by said consolidating companies on the fifteenth (15) day of February, 1889, a copy of which is on file in the office of the Secretary of State of Tennessee, be and the same is hereby ratified and confirmed.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 5, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 246.

AN ACT to grant additional compensation to Justices of the Peace.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter Justices of the Peace attending their Quarterly Courts shall be entitled to receive mileage at the rate of five cents a mile for each mile traveled in going to the Court-house from their places of residence and returning, the same to be in addition to per diem, and to be paid out of county revenue; *provided*, that mileage be allowed for attendance for not more than two days at any term of the Quarterly Court, and that no Justice of the Peace residing within five miles of the Court-house shall be entitled to or receive mileage. Justices entitled to mileage.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 16, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 247.

AN ACT to provide for the election of School Directors biennially.

School
Directors.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall be elected at the August election, in the year 1890, two school directors, and at the regular August election every two years thereafter there shall be elected three school directors for each school district.

No election in
1889 and 1891.

SEC. 2. *Be it further enacted*, That there shall be no election of school directors in the years 1889, 1891, or other odd years, but the terms of directors expiring under the present law in 1889 shall be extended until 1892, both until the election of their successors as provided in Section 1 of this Act.

Conflicting laws
repealed.

SEC. 3. *Be it further enacted*, That so much of Sections 10 and 12 of Chapter 25 of the Acts of 1873 as are in conflict with this Act are hereby repealed.

Passed April 5, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 248.

AN ACT to require railroad companies to construct and keep in repair cattle guards or stops at the entrance of any field or inclosure through which its unfenced track shall pass, and to declare when the owner of such field may do so at the cost of said company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That each and every railroad company whose unfenced track passes through a field or inclosure be and is hereby required to place a good and sufficient cattle guard, or stops, at the points of entering such field or inclosure, and keep the same in good repair. Cattle guard.

SEC. 2. *Be it further enacted,* That in case a field or inclosure through which such unfenced railroad track passes shall be enlarged or extended, or the owner of the land over which such unfenced track passes, shall open a field so as to embrace the track of such railroad, such railroad company is hereby required to place good and sufficient cattle guards or stops at the margin of such inclosure of fields, and keep the same in repair; *provided,* such owner shall give the nearest or most accessible agent of such company thirty days notice of such change. To make cattle guards on notification.

SEC. 3. *Be it further enacted,* That any railroad company neglecting or refusing to comply with the provisions of sections 1 and 2 of this Act shall be liable for all damages sustained by any one by reason of such neglect or refusal, and in order for the injured party to recover all damages he has sustained it shall be only necessary for him to prove such neglect or refusal, and the amount of such damages; *provided,* such company shall not be liable if it shall be shown that the opening of such field was made capriciously and with intent to annoy and molest such company. Liable for damages, when.

Passed April 6, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 249.

AN ACT for the prevention of trespassing upon railway trains and consequent injury to minors and other persons, and make the same a misdemeanor.

Unlawful to
jump on train.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That no minor or other person shall climb, jump, step, stand up, or cling to, or in any way attach himself to any locomotive engine or car upon any part of the track of any railroad, unless, in so doing, he shall be acting in compliance with law, or permission under the lawful rules and regulations of the corporation then managing such railroad.

Penalty for vio-
lating Sec. 1.

SEC. 2. *Be it further enacted*, That any person as aforesaid violating the provisions of the first section of this Act shall, upon conviction thereof before any Court having jurisdiction of such offenses, be fined in any sum not exceeding five dollars, and may, by the Court passing such sentence, be committed to the jail of the county or such other place of imprisonment as may be provided, until the fine and costs of prosecution shall be paid; *provided*, that this Act shall in no case be used to the prejudice of the persons referred to in the first section of this Act in any suit which may be instituted for damages, growing out of a violation of the provisions of this Act, but any right of action for damage shall remain as full and complete as heretofore.

SEC. 3. *Be it further enacted*, That this Act shall be in force and take effect from and after its passage, the public welfare requiring it.

Passed April 5, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 250.

AN ACT to prevent conspiracies and formations of trusts against legitimate trade and commerce, and to suppress illegal combinations against the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall not be lawful for ^{Trusts, corners, etc., prohibited.} any person or persons, or associations of persons, or any corporation in this State, or doing business in this State, to form, or agree to, or to conspire to form any trust, pool, or corner or combination, or any other arrangement or device, in or about any article of legitimate traffic, the production or manufacture or sale of such article that may injuriously affect, and for the purpose of injuriously affecting the legitimate trade and commerce of the county, or to limit the supply or production of said articles, whereby the price of such produce or manufactured articles, or other articles of legitimate trade may be unduly depressed and put down, or unduly raised or increased, for the purpose of speculation, either by pooling or purchasing said articles for the purpose of withdrawing them from market to destroy legitimate competition, or to create a monopoly or corner in the same, or to produce an undue demand for the same, and that to unduly raise the price of said articles, or by throwing the same on the market when so accumulated or purchased for the purpose of creating an undue depression in the price of such article, and by such means to destroy or limit legitimate competition in the production, manufacture, or sale of such articles, as by any other device or arrangement for such purpose. All such agreements, trusts, pools, corners, and combinations are hereby prohibited; *provided*, nothing herein contained shall be construed to prevent or interfere with parties engaged in legitimate trade and speculation.

SEC. 2. *Be it further enacted,* That any person or persons or corporation violating the first section of this ^{Penalty for violation.} Act, for the first offense, shall, on conviction, pay a fine of not less than two hundred and fifty dollars, and for the second offense a fine of not less than five hundred dollars, and the Attorney-General, for each conviction, shall have a taxed fee of fifty dollars, and

shall have, in addition, fifty per cent. of the money actually received on such fine, and he shall prosecute all such cases, *ex officio*, without any other prosecutor, and the courts shall give this Act in charge and the grand jury shall have full inquisitorial power in such cases.

Contracts not
valid.

SEC. 3. *Be it further enacted*, That no contract made by any person or persons or incorporations, whereby to carry out, or agree to carry out, any of the agreements or combinations enumerated in and prohibited in the foregoing Act, shall be enforced in any of the courts of this State whether the same be made by citizens of this or any other State.

Forfeiture of
franchises.

SEC. 4. *Be it further enacted*, That any corporation created or incorporated by or under the laws of this State, which violates any provisions of this Act, shall thereby forfeit its corporate rights and franchises, and its corporate existence shall thereupon cease and determine, and it shall be the duty of the Attorneys-General of the State, of their own motion and without leave or order of any court or judge, to institute an action in behalf of the people and in the name of the State for the forfeiture of such rights and franchises, and the dissolution of such corporate existence, or any citizen of the State, may institute such suit by proceedings in a Court of Chancery in the name of the State, and said corporations may be enjoined from violation of this Act, pending such proceedings, provided such citizen may not begin such proceedings without giving security for cost in such cases.

Passed April 4, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 251.

AN ACT to require Justices of the Peace to file the papers in appeal cases in the Circuit Court Clerk's office five days before the meeting of the court.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That whenever an appeal shall be prayed and perfected from the decision of any Justice of the Peace in this State, it shall be the duty of said Justice to file the papers in the case in the office of the Clerk of the Circuit Court at least five days before the meeting of the Circuit Court, and any Justice of the Peace failing to comply with this Act shall have no fees or cost allowed in such cases, at the discretion of the court. Justice to file papers.

SEC. 2. *Be it further enacted,* That if an appeal is prayed and perfected within five days before the meeting of the Circuit Court, the papers in the case shall be filed in said Clerk's office by or on the first day of the term. Papers filed, when.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed. Conflicting laws repealed.

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 3, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 252.

AN ACT to change the line between McNairy and Chester Counties.

Change of
county line.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That the line between the counties of McNairy and Chester be and the same is hereby so changed as to include all of that part of the lands of J. Short and Ben Smith, which is now McNairy County, in the county of Chester.*

SEC. 2. *Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.*

Passed April 3, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 253.

AN ACT to change the line between the counties of McNairy and Hardin.

Change of
county line.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That the lines between the counties of McNairy and Hardin be and the same are hereby so changed that all of that part of the land of W. S. White, which is now included in the county of McNairy, shall be included in the county of Hardin.*

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 3, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 254.

AN ACT to authorize the city of Knoxville to fund certain of its bonded indebtedness maturing January 1 and April 1, 1890, amounting to \$76,600, upon certain conditions.

WHEREAS, The city of Knoxville has a bonded indebtedness maturing on January 1 and April 1, 1890, amounting to \$76,600, and no provision was made for the redemption of said bonds at maturity; and, Preamble

WHEREAS, It is desirous to fund said indebtedness, and to create a sinking fund for redemption of the bonds newly issued; therefore, Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be lawful for the said city of Knoxville to fund its indebtedness maturing January 1 and April 1, 1890, not to exceed the sum of seventy-six thousand six hundred dollars (\$76,600), by the issuance of its coupon bonds in the manner and under the restrictions hereinafter provided. May issue bonds.

SEC. 2. *Be it further enacted*, That all bonds issued under this Act shall be of such denominations, bear such rate of interest, not exceeding six per cent. per annum, and be due in such time, not less than five nor more than thirty years from date, and be Time to run.

payable at such time and places as the corporate authorities may determine; *provided, however*, that all bonds shall bear the same rate of interest.

Par value.

SEC. 3. *Be it further enacted*, That the bonds provided for by this Act shall in no case be sold for less than par, and the coupons attached shall, at maturity, be receivable for all taxes and dues to the corporation, except the "Sinking Fund Tax" provided for by the following section, and the "School Tax."

Sinking fund.

SEC. 4. *Be it further enacted*, That before any bonds shall be issued hereunder the corporation shall provide by ordinance for a sinking fund wherewith to retire the bonds by levying a special tax on property, same to be designated the "Sinking Fund Tax," the tax to run with the bonds, and to be collected annually, and used exclusively for the purpose levied, and to be sufficient, with its accumulations, as near as may be estimated, to meet or retire the principal indebtedness at maturity.

Commissioners.

SEC. 5. *Be it further enacted*, That said corporation, before issuing any bonds under this Act, shall appoint or select by ballot three persons, citizens, who shall be known as "Sinking Fund Commissioners," who shall hold office for three years, and until their successors shall be elected and qualified, and to be so elected that the term of office of one of said Commissioners shall expire in each year; *provided*, that at the first election one Commissioner shall be elected for one year, one for two years, and one for three years, and every year thereafter one shall be elected to serve for three years.

Oath of Commissioners.

SEC. 6. *Be it further enacted*, That said Commissioners shall take and subscribe an oath in writing, before any person authorized to administer oaths in judicial proceedings, faithfully to discharge their duties, and shall give bond in such sum, and otherwise qualify themselves, and receive such compensation as the ordinance of the corporation may prescribe and provide.

Investment.

SEC. 7. *Be it further enacted*, That said Commissioners shall receive from collector of taxes or treasurer of city, all "Sinking Fund Taxes," and shall invest the same from time to time in the bonds of the corporation, and make settlement of their accounts in such manner, and with such persons as the corporation may, by ordinance, direct; *provided, how-*

ever, that whenever such bonds of the city are purchased or invested in by said Commissioners, they shall cancel the same in the presence of the Mayor and Aldermen or City Council, in such manner as may be determined by ordinance.

SEC. 8. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 255.

AN ACT to change the line between the counties of Hardin and Chester.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the counties of Hardin and Chester be and the same is hereby so changed that all that part of the lands of Neil Shelton which are now included in the county of Hardin shall be included in the county of Chester. Change of
County line.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 3, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 256.

AN ACT to provide for the supplying and transcribing missing and mutilated records of the Mountain District Land Office, and to make certified copies of the same legal evidence.

Preamble.

WHEREAS, During the late war between the States volumes of books "A" and "Y," belonging to the Land Office at Sparta, Tenn., were destroyed; and,

Preamble.

WHEREAS, Volume "O" was badly mutilated and partly destroyed; and,

Preamble.

WHEREAS, All the volumes need to be re-indexed in a well bound book; and,

Preamble.

WHEREAS, Said missing records can be supplied by the plots and certificates on file in the Land Offices, and the record in the Secretary of State's office of the date and the number of the grant and the name of the granter; therefore,

Register to purchase books

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Register of the Land Office for the Mountain District at Sparta be and he is hereby authorized to purchase four well-bound books, in one of which he shall cause to be transcribed a full and complete index of all the volumes in the office, and in the other three he shall cause to be recorded the destroyed and mutilated volumes "A," "Y," and "O."

Legal evidence.

SEC. 2. *Be it further enacted*, That said grants, when thus transcribed and supplied, shall become part of the records of the Mountain District Land Office, and certified copies thereof shall be received as legal evidence in all courts.

Compensation.

SEC. 3. *Be it further enacted*, That the Register shall receive as compensation for said work of indexing, supplying, and transcribing ten cents per one hundred words, and upon the completion of said work the Register shall certify the cost of the same, including the cost of the books, to the Comptroller, who shall draw his warrant upon the State Treasurer, after said bills of costs shall have been approved by the Judge and Attorney-General of the Fifth Judicial Circuit, which shall be paid out of any money in the Treasury not otherwise appropriated; *provided*, that not more

than \$500 shall be allowed for the purchase of said books, and all the work to be performed by the Register under this Act.

Passed April 3, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 257.

AN ACT to empower the Chairman of the County Court to convene the Quarterly Court in special session.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Chairmen and Judges of the County Courts of this State shall be empowered to convene the Quarterly Courts in special session when in his opinion the public necessities require it, or upon the application to him in writing of any five Justices, members of said court, so to do. Chairmen may convene courts.

SEC. 2. *Be it further enacted,* That said call shall be made by publication in some newspaper published in the county, at least five days before the time of the convening of said court, said publication, or by personal notices sent by the clerks of the court, to specify the objects and purposes for which said special session is called, and no other business but that embraced in said call shall be transacted during the sitting of said special term. Notice for call to be published.

SEC. 3. *Be it further enacted,* That in the event no newspaper is published in the county, the notice shall Personal service.

be by personal service upon all the Magistrates, such service to contain the purpose for which the court is convened, and to be at least five days before the time for convening.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 258.

AN ACT to repeal so much of Chapter 53 of the Acts of 1873, passed March 20, and approved March 22, 1873, as confers common law jurisdiction upon the Criminal Court for the District of Knox.

Repeal of part
of Ch. 53, Act
1873.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of the Acts of 1873, Chapter 53, passed March 20, and approved March 22, 1873, entitled "An Act to increase the jurisdiction and provide for the compensation of the Judges of the Criminal Court of the District of Knox and the Criminal Court of Montgomery County, as confers common law jurisdiction upon the Criminal Court for the District of Knox, be and the same is hereby repealed; *provided*, that all civil causes now pending in said Criminal Court shall be determined in said court, but no more civil causes shall be commenced therein.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 3, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 259.

AN ACT to protect employes in the selection of their family physician.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be unlawful for any manufacturer, firm, company, or corporation, their agents, clerks, or superintendents in this State, to dictate or in any manner interfere with any employe or laborer in their rights to select their own family physician. Unlawful dictate physician.

SEC. 2. *Be it further enacted*, That it shall be unlawful for any such manufacturer, firm, company, or corporation, their agents, clerks, or superintendents, to retain or withhold any part or portion of the wages due to any such employe or laborer for the avowed purpose of paying the salary of any person claiming to be the "company doctor" without the full consent of such employe or laborer; and the whole amount of any such wages so retained by consent shall be paid to said company doctor or other physicians employed by said employes. Not to withhold wages.

SEC. 3. *Be it further enacted*, That any agent, clerk, or superintendent of any such firm, company, or corporation violating the provisions of this Act shall be guilty of a misdemeanor, and, upon conviction in any of the courts of the State having jurisdiction, shall be fined not less than ten dollars. Misdemeanor.

SEC. 4. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 260.

AN ACT to amend Section 2132 of Milliken and Vertrees' Code of Tennessee, being compiled from Chapter 242 of Acts of Tennessee in 1883.

M. & V. Code,
Sec. 2132
amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 2132, of Milliken and Vertrees' Code, referred to in the caption of this Act, be amended by inserting after the word "States," in the fourth line of said section, and before the word also of said line the following, "or from actual service or from being held in prison during said time," and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 261.

AN ACT to amend Section 4580 of the laws of Tennessee, as compiled by Thompson and Steger, in relation to the compensation of the Standard Keeper and scales of weights and measures.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 4580 of the laws of Tennessee, as compiled by Thompson and Steger, be and the same is hereby amended so as to add to said section at the end of the last line of the same the following words, “said compensation to be fixed by the Quarterly County Court of each county.” T. & S. Code,
Sec. 4580
amended.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 262.

AN ACT to amend, "An Act to incorporate the town of Waynesboro, in the County of Wayne, and for other purposes," passed February 28, 1870, fixing the boundaries of Waynesboro.

Act of 1870
amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 1 of "An Act to incorporate the town of Waynesboro, in the county of Wayne, and for other purposes," be and the same is hereby amended as follows, to wit: That the words fixing the boundaries of said town be stricken out and the following words fixing and defining the boundaries be and are hereby substituted in and made a part of said section, to wit: Beginning at the mouth of Cole Branch, thence up said branch to a stake, the corner of John H. Cole's lot, thence south to the southeast corner of said lot, thence on a direct line to the southwest corner of the John Turman Love lot, thence northwest to P. H. Craig's southwest corner, thence north to M. A. Collier's northwest corner, thence east to Green River, thence up and with the west bank of said river to the beginning.

Conflicting laws
repealed.

SEC. 2. *Be it further enacted*, That all laws or parts of laws in conflict with this Act be and the same are hereby repealed.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 5, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 263.

AN ACT to change the time of holding the Circuit Courts and August terms of the Chancery Court in DeKalb County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an Act entitled "An Act to divide the State of Tennessee into judicial circuits and chancery divisions, and provide for the administration of justice and equity in the Circuit and Chancery and other inferior courts, and to fix the time for holding said Chancery, Circuit, and other courts, passed June 11, 1885, and approved June 12, 1885, be and the same is hereby amended as to the time of holding the Chancery and Circuit Courts for DeKalb County, being in the Sixth Judicial Circuit and in the Fifth Chancery Division, so as to fix the time of holding the Circuit Courts to commence on the second Monday in March, July, and November, instead of the third Monday, and to fix the time of the August term of the Chancery Court so as to commence on the second instead of the third Monday, as is now provided, and all process from each court shall be returnable to the second Monday instead of the third. Act of 1885 amended.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it. Conflicting laws repealed.

Passed April 3, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 264.

AN ACT to change the lines between White and DeKalb Counties so as to include the lands of F. Rigsby and William Stratten in DeKalb County.

Change of
county line.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all the lands belonging to F. Rigsby and William Stratten now lying in White County be detached from White County and attached to DeKalb County.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 5, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 265.

AN ACT to amend the charter of the Lebanon and Coles Ferry Turnpike Company, organized under the Acts of the Legislature of 1875, Chapter 142, and registered in Wilson County on the 3d day of November, 1882, in book R R, page 115, and in the Secretary of State's Office at Nashville on the 6th day of November, 1882, in book F, page 22.

Charter
Amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter of the Lebanon and Coles Ferry Turnpike Company, organized under the Acts of 1875, Chapter 142, and registered in the

Secretary of State's Office in book F, page 22, be so amended as to authorize said company to erect a second gate as soon as ten miles of said road is complete, as provided for in its original charter, without first building a bridge across Barton's Creek. But said company is not permitted to collect any toll at the second gate while said creek is past fording, either from head or back water.

SEC. 2. *Be it further enacted*, That said company shall be allowed to demand and receive the same toll as is allowed by law to the Lebanon and Sparta Turnpike Company, with the following exceptions, to wit: No toll shall be charged any person going from one to another portion of his farm, or from persons attending funerals or religious worship, or going to or returning from precincts at elections or militia musters, the person being authorized to vote or subject to military duty, or from persons on foot. or going or returning from a grist mill on horseback with grain for family use, nor shall said road charge for more than one way if the party go and return the same day, unless the distance traveled on the road both ways amount to as much as eight miles.

SEC. 3. *Be it further enacted*, That all laws and parts of laws coming in conflict with this Act be and the same are hereby repealed. This Act to take effect from and after its passage, the public welfare requiring it.

Passed April 3, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 266.

AN ACT to amend an Act entitled "An Act to provide for the inspection, analysis, and tests of commercial fertilizers, passed March 24, 1883, and approved March 29, 1883.

Act of 1883
amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an Act entitled an Act to provide for the inspection, analysis, and tests of commercial fertilizers, passed March 24, 1883, and approved March 29, 1883, be amended so as to read as follows: That all commercial fertilizers sold or offered for sale in this State shall, by stamps or otherwise, distinctly set forth in each package or parcel the chemical analysis of such fertilizers, the name of the manufacturer, the place of manufacture, and furthermore, each of said packages or parcels shall be freely submitted to inspection as herein provided, and shall bear a certificate of inspection (or tag) furnished by the Commissioner of Agriculture, and showing authority from the State to sell such fertilizers.

Per cent.

SEC. 2. *Be it further enacted*, That none of said fertilizers shall be sold in said State unless their analysis shall show a given per cent. of ammonia, potash, and available phosphoric acid, each one or more to be prescribed by the Commissioner of Agriculture.

Guarantee.

SEC. 3. *Be it further enacted*, That before exposure for sale, the manufacturer, dealer, or agent shall file a guaranteed analysis of each brand of fertilizers with the Commissioner of Agriculture, and for each ton or fraction of a ton so sold and shipped into this State the sum of fifty (50) cents shall be paid by the vendor to the inspector or said Commissioner, as may be directed, and that said fees of fifty cents shall be applied first to the expenses of inspection, and not more than \$800 for analysis, and the balance to the Commissioner of Agriculture, to go into and become a part of the general fund annually provided by the State for the maintenance of the Bureau of Agriculture, and the said Commissioner shall keep a separate account of all receipts arising from the inspection of fertilizers, and shall report the same to the Governor at the meeting of each Legislature.

Rules and reg-
ulations.

SEC. 4. *Be it further enacted*, That the Commissioner of Agriculture shall have power to make the

rules and regulations necessary to effect the purpose of this Act, and that he shall have further power to appoint inspectors, not exceeding three, at points most convenient to the parties interested therein, and said inspectors shall hold office at the pleasure of said Commissioner.

SEC. 5. *Be it further enacted*, That each of said inspectors, before entering office, shall give bond and security in the sum of two thousand dollars for the faithful discharge of duty. He shall, on receipt of fees, inspect promptly all fertilizers presented to him for that purpose, taking samples and disposing of them as directed, and doing other work connected with the inspection of fertilizers; and for his services he shall receive one-third of the fees arising from the inspection of fertilizers by him, provided said salary does not exceed one thousand dollars per annum. Bond.

SEC. 6. *Be it further enacted*, That all the specimens of fertilizers collected by said inspectors shall, by them, be sent, as the said Commissioner may instruct, to the Director of the Experimental Station of the University of Tennessee, there to be analysed without delay for the benefit of agriculture in the State, and the results reported to the Commissioner of Agriculture within fifteen days from the receipt of the samples at said station, and that the chemical analysis for the State shall be done under oath to deal impartially and faithfully, and the official certificate of the chemist shall be competent testimony in the courts of this State. Experimental station.

SEC. 7. *Be it further enacted*, That the Commissioner of Agriculture shall be required to make reports biennially to the Governor of the State, on the assembling of each Legislature, of all the work done under this Act, to wit: the number of packages, parcels, and tons inspected, the number of analyses made, the amount of inspection fees collected, and what disposition was made of the same. Biennial reports.

SEC. 8. *Be it further enacted*, That the provisions of this Act shall not apply to home-made manures. Not to apply.

SEC. 9. *Be it further enacted*, That any person or persons selling, or offering for sale, any commercial fertilizers in this State not tagged, labelled, or stamped as provided for in Section 1 of this Act, shall be guilty of a misdemeanor, and, upon conviction, shall be fined two hundred dollars for each offense, and Misdemeanor to sell without label.

that it shall be the duty of the Commissioner or his inspectors to condemn and seize such fertilizers, and to store the same at a point most convenient to the place of seizure, and that it shall further be the duty of the Commissioner to immediately notify the owner or owners of such fertilizers of his action, and if said owner or owners refuse to pay the tax within thirty days after said notification the Commissioner shall be empowered to sell said fertilizers and apply the proceeds first, to the payment of the taxes and storage, and hold the balance subject to order of owner.

Samples.

SEC. 10. *Be it further enacted,* That any person or persons acting as agents for the sale of or dealing in fertilizers in this State, whether shipped into or manufactured in the State, shall be required, upon receipt of each shipment made to them by the manufacturers or persons from whom they receive said fertilizers, to forward to the Commissioner of Agriculture a sample of said fertilizers, with name of brand, amount, and from whom received, and that the said Commissioner be required to keep a record of all samples received, by whom sent, and an analysis of each brand of fertilizers so forwarded to him; and any person failing or refusing to comply with this section shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than fifty nor more than one hundred dollars for each offense.

**Conflicting laws
repealed.**

SEC. 11. *Be it further enacted,* That all laws or parts of laws in conflict with any of the provisions of this Act are hereby repealed.

SEC. 12. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 5, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 8, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 267.

AN ACT to amend Section 14 of an Act passed March 19, 1875, entitled "An Act to provide for the organization of corporations."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 14 of an Act passed March 19, 1875, entitled "An Act to provide for the organization of corporations," be so amended as to read as follows. Act of 1875 amended.

Section 1. In addition to the form of charter for a building association given in said section, the charter for a building association may be in the following form :

CHARTER OF INCORPORATION.

Be it known that (here copy the names of five or more corporators above the age of twenty-one years) are hereby constituted a body politic and corporate by the name and style of (here insert the name of the corporation).

The general powers, etc., of said corporation are (here set forth the powers, etc., as declared in Section 5 of the Act to which this is amendatory): The funds of said corporation may be loaned out to the stockholders in such manner, on such terms and conditions, and under such regulations as the said corporation, by its constitution and by-laws, may prescribe; *provided*, the same be secured by real estate, and any funds of the said corporation which may remain after the stockholders have borrowed all they desire may be loaned out to other persons, the same being secured by a lien on real estate.

The members of said corporation shall have the power to adopt a constitution, and the constitution adopted, the by-laws and regulations shall have the force and effect of a legal enactment on the members of said corporation; *provided*, the same are not in conflict with the general laws of the land.

The corporation shall have the power to take and hold all such real estate as may be mortgaged to it, or conveyed in trust to secure any debt due to the corporation for loan of its funds, and the said corporation shall have the power to purchase any such

real estate at any sale thereof, and the same to hold, sell, or otherwise dispose of, as the said corporation may deem expedient. The by-laws may prescribe the amount of shares and the time of payment thereof by installments, but the monthly call for payment of said installments shall not exceed two dollars on each and every share. Every share of stock shall be liable for, and subject to a lien for the satisfaction of any unpaid installments, and the by-laws may prescribe the mode and manner of enforcing said lien. New shares may be issued in lieu of any shares withdrawn or forfeited. The shares may be issued in one or successive series in such manner and in such amounts as the Board of Directors may determine, and any stockholder wishing to withdraw, as he or she may have the right, shall give thirty days' notice thereof, when said withdrawing stockholder shall be entitled to receive the amount paid in, and such proportion of the profits as has been accumulated; *provided*, that at no time shall more than one-half the funds in the treasury be subject to the demands of withdrawing stockholders without the consent of the Board of Directors. Stockholders who are borrowing members, and who desire to have their mortgages or deeds of trust canceled and leave the association before their stock matures, may do so on the following terms, to wit: If a loan is repaid within one year from the date on which it is made the borrowers must pay the premiums for one year and pay to the association an amount which, when added to the dues and earnings credited to his stock, will aggregate the sum actually borrowed, together with the legal rate of interest up to the date of re-payment, and all delinquent assessments.

If, after the expiration of one year a borrowing member desire to repay his loan he will only be compelled to pay premiums and interest up the time of re-payment, and the cancellation of his mortgage or deed of trust will be adjusted as above stated.

The personal representatives, upon the death of a stockholder, shall be entitled to receive the full amount paid in by the deceased, and any profits which have been realized; *provided*, that if said stock is pledged to the company the same shall be redeemed by said personal representative.

The Board of Directors shall hold stated meetings, at which the money in the treasury, if over two hundred dollars, shall be offered for loan in open meeting, at a rate not in conflict with the law of the State, and the stockholder who shall bid the highest premium (payable in regular weekly or monthly rates or installments) for the preference shall be entitled to receive a loan of two hundred dollars for each share held by such stockholder; *provided*, that a stockholder may borrow such fractional part of two hundred dollars as the by-laws may provide, and good security shall be given by the borrower to secure the repayment of the loan.

In case the borrower shall neglect to offer security, or shall offer security that is not approved, the proposed borrower thus failing to give security shall be charged with one month's interest, and the money resold at the next stated meeting.

In case of non-payment of installments or interest by borrowing members for the period of six months, payment of principal and interest, without deducting the premium paid, or interest thereon, may be enforced by proceeding on their securities, according to the terms of the contract under which the same are pledged.

The premium bid by borrowing stockholders for the preference or priority of loan may be paid in regular weekly or monthly installments, not as a part of the loan, not as interest, but as a means of determining which one of the shareholders shall receive the loan, whenever there are a number of stockholders who may simultaneously desire to effect a loan. Said corporation may purchase, at judicial, or execution, or Trustee's sale, any real estate mortgaged or conveyed to it to secure a debt, and said real estate or any other real estate, the corporation may be entitled to hold, the said corporation shall have the power to sell, convey, lease, or mortgage at pleasure. Said corporation may determine by an express provision of by-laws that when each share of stock reaches a certain value, to be specified thereby, not exceeding two hundred dollars, the stockholders shall be paid such value for each share they respectively own, and that upon such payment the stock shall revert to the corporation.

Married women may hold stock in said corporation

free from the claims or debts of their husbands. No one person shall hold more than fifty shares.

Two-thirds
vote. May
withdraw.

SEC. 2. *Be it further enacted*, That building associations operating under any other form of charter may be permitted to be operated in accordance with the terms of the foregoing charter after the adoption by a vote of the stockholders owning two-thirds of the stock of a resolution to that effect, and the procuring of a new charter containing the provision above set forth. Such stockholders as do not favor the change may be permitted to withdraw on the terms set forth in the Act to which this is amendatory, for settlements between the corporation and the personal representatives of deceased stockholders.

Passed April 6, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 8, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 268.

AN ACT to prevent the spread of contagious diseases among animals.

Contagious
diseases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all hogs or other animals having died of contagious diseases, the owners of said dead animals be and the same are hereby compelled to either burn up or bury said dead animals.

Misdemeanor.

SEC. 2. *Be it further enacted*, That any person violating the first section of this Act be guilty of a misdemeanor, and upon conviction, fined ten dollars.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 3, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 8, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 269.

AN ACT entitled an Act to establish the line between Georgia and Tennessee, to provide for the appointment of competent men to establish said line, and to appropriate funds to defray expenses for same.

WHEREAS, There are grave doubts as to the location of the State line between Georgia and Tennessee, on that part of the line between Dade County, Georgia, and Marion and Hamilton Counties, Tennessee, creating trouble and inconvenience between the citizens of the two States; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Governor of this State shall be empowered to communicate with the Governor of Georgia for the purpose of having a joint survey looking to the settlement of the question in dispute. (Governor to communicate.)

SEC. 2. *Be it further enacted*, That the Governor of Tennessee, after such communication with the Governor of Georgia as is necessary, shall be empowered to appoint three competent men to act with such members as may be appointed by the Governor of Georgia, whose duty it shall be to survey, estab- Survey.

lish, and proclaim the true line between the disputed points.

Appropriation
for expenses.

SEC. 3. *Be it further enacted*, That not exceeding two hundred and fifty dollars be and the same is hereby appropriated to pay expenses of said proceeding, for which the Governor of Tennessee may draw his warrant on the Comptroller.

Where survey
shall begin.

SEC. 4. *Be it further enacted*, That the joint Commission so appointed by the Governors of Tennessee and Georgia shall begin their survey at that point where Georgia and Alabama corner, and run east as far as is necessary to establish the disputed line.

Conflicting laws
repealed.

SEC. 5. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 3, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 8, 1889.

ROBT. L. TAYLOR,
Governor.

CHAPTER 270.

AN ACT to enable the Taxing District of Brownsville to pay off expenses and lawyers' fees incurred in contesting and settling through the courts of this State, and of the United States, the indebtedness of the Board of Mayor and Aldermen of the city of Brownsville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all the tax of one dollar on every one hundred dollars of taxable property, and all merchant and privilege taxes equal to the general State tax heretofore levied for the benefit of taxing districts of the second-class of this State, of the Acts of 1881, Chapter 127, except the portion absolutely necessary to defray the expenses of the taxing district government, be and the same is hereby directed to be used and appropriated by the taxing district of Brownsville, in paying off the expenses and lawyers' fees incurred by said taxing district, and in contesting and settling the past due indebtedness of the defunct corporation known as the Board of Mayor and Aldermen of the city of Brownsville, whose successor the said taxing district is, through the courts of this State, and of the United States, and that said portion of said levy may be used and appropriated each and every year for such purpose until said expenses and fees shall have been paid off, at which time the power, authority, and direction herein given shall cease.

All taxes to be used for taxing district.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 8, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 8, 1889.

ROBT. L. TAYLOR,
Governor.

RESOLUTIONS.

SENATE JOINT RESOLUTIONS.

NUMBER 1.

WHEREAS, The National Educational Association is to meet in the City of Nashville during the summer of 1889, partly in response to an invitation extended by joint resolution of the Forty-fifth General Assembly, which resolution tendered the use of the Hall of the House of Representatives; and,

WHEREAS, The time for its meeting has been fixed for the summer of 1889, instead of 1888, as originally intended; therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the use of the Hall of the House of Representatives and the Senate Chamber is hereby tendered to the Association wherein to hold its meetings and school exhibits.

Be it further resolved, That a cordial welcome is hereby extended to the Association.

Adopted January 21, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved.

ROBT. L. TAYLOR,
Governor.

NUMBER 2.

Be it resolved by the General Assembly of the State of Tennessee, That the Printer to the State be and is hereby instructed to print and deliver the reports of the various State Officers and Institutions as follows:

Treasurer's Report.—One thousand copies for the use of the House, five hundred copies for the use of the Senate, five hundred copies for the use of the Treasurer.

Comptroller's Report.—Four thousand copies for the use of the House, fifteen hundred copies for the use of the Senate, forty-five hundred copies for the use of the Comptroller.

Penitentiary Report.—Five hundred copies for the use of the House, two hundred and fifty copies for the use of the Senate, five hundred copies for the use of the officials.

Report of Insane Asylum, East Tennessee.—Two hundred and fifty copies for the use of the Senate, five hundred copies for the use of the House, seven hundred and fifty copies for the use of the Asylum.

Report of Insane Asylum, Middle Tennessee.—Two hundred and fifty copies for the use of the Senate, five hundred copies for the use of the House, seven hundred and fifty copies for the use of the Asylum.

Report of Insane Asylum, West Tennessee.—Two hundred and fifty copies for the use of the Senate, five hundred copies for the use of the House, seven hundred and fifty copies for the use of the Asylum.

Report of the Commissioner of Agriculture.—One thousand copies for the use of the House, five hundred copies for the use of the Senate, one thousand copies for the use of the Commissioner.

Report of the Deaf and Dumb Institute.—Five hundred copies for the use of the House, two hundred and fifty copies for the use of the Senate, twelve hundred and fifty copies for the use of the Institute.

Report of the Secretary of State.—Two hundred and fifty copies for the use of the House, two hundred and fifty copies for the use of the Senate, five hundred copies for the use of the Secretary.

Report of School for the Blind.—Five hundred copies for the use of the House, five hundred copies for the use of the Senate, twelve hundred and fifty copies for the use of the School.

Report of the Superintendent of Public Instruction.—Five hundred copies for the use of the House, two hundred and fifty copies for the use of the Senate, seventeen hundred and fifty copies for the use of the Superintendent.

Report of the Board of Health.—Five hundred copies for the use of the Senate, one thousand copies for the use of the House, fifteen hundred copies for the use of the Board.

Adjutant General's Report.—One thousand copies for the use of the House, five hundred copies for the use of the Senate, one thousand copies for the use of the Adjutant General.

Report of the Superintendent of the Capitol.—Five hundred copies for the use of the House, two hundred and fifty copies for the use of the Senate.

Be it further resolved, That the reports as above provided for, together with the Governor's Message, shall constitute the appendices to the Journals of the Senate and House of Representatives.

Adopted January 21, 1889.

BENJ. J. LEA,

Speaker of the Senate.

W. L. CLAPP,

Speaker of the House of Representatives.

Approved.

ROBT. L. TAYLOR,

Governor.

NUMBER 3.

Be it resolved by the General Assembly of the State of Tennessee, That the Governor elect, R. L. Taylor, be inaugurated on the 23d day of January, 1889, and a committee be appointed on the part of the Senate

of two, and three on the part of the House to complete and carry out the ceremonies pertaining to said inauguration.

Adopted January 21, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

NUMBER 4.

Be it resolved by the General Assembly of the State of Tennessee, That the Senate and House of Representatives meet in joint convention on Tuesday, the 29th day of January, 1889, at 11 o'clock A. M., for the purpose of electing a State Librarian for the ensuing two years.

Adopted January 25, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

NUMBER 5.

Be it resolved by the General Assembly of the State of Tennessee, That this General Assembly take a recess on Friday at 12 m., February 1, to Tuesday, the 12th, at 12 m. of said month.

Adopted January 25, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

NUMBER 6.

To authorize the Comptroller to settle with John W. Gates, Register of the Land Office for West Tennessee.

WHEREAS, The Register for the Land Office for West Tennessee has, in accordance with Chapter 186 of the Acts of 1887, properly transcribed and recopied the Land Grants in Vols. 6 and 9 of the records of the Land Office for West Tennessee; and,

WHEREAS, The said Act of 1887 provided that the Comptroller should, whenever said work was done, and certified by the Judge and Attorney-General of the Eleventh Judicial Circuit, draw his warrant on the Comptroller for payment of the same; and,

WHEREAS, The said work of copying and transcribing was completed on the 20th of June, 1888, and properly certified to the Comptroller for payment; therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the Comptroller is hereby directed to draw his warrant on the Treasurer in favor

of John W. Gates, Register of the Land Office for West Tennessee, for the sum of \$638.83 in accordance with his certified account, as approved by the Judge of the Eleventh Judicial Circuit, and that said sum shall be included in the general appropriation bill.

Adopted January 25, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved.

ROBT. L. TAYLOR,
Governor.

NUMBER 7.

Be it resolved by the General Assembly of the State of Tennessee, That a sub-committee of each House on the Penitentiary and Charitable Institutions, be and are hereby empowered to sit during the recess from February 1 to February 12, and make their report upon the re-assembling of the General Assembly February 12, 1889, and that the Chairmen of the above committees of the House are hereby authorized to appoint a sub-committee of five each to act in conjunction with sub-committee on the part of the Senate, and make investigation and report on Penitentiary and the Charitable Institutions, and all evidence heard by said committees be taken in writing and accompany their report, and to this end both committees may employ a stenographer; and that the Sergeant-at-Arms of the Senate and House be and are

hereby instructed to accompany said committees and carry out the orders given them by said committees.

Adopted January 28, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved.

ROBT. L. TAYLOR,
Governor.

NUMBER 8.

Be it resolved by the General Assembly of the State of Tennessee, That the Senate and House meet in joint session in the Hall of the House of Representatives on Tuesday, the 29th of January, at 11.20 o'clock A. M., for the purpose of electing a Secretary of State for the ensuing four years, and that the said joint convention also elect Treasurer and Comptroller to serve for the ensuing term of two years.

Adopted January 28, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

NUMBER 9.

Be it resolved by the General Assembly of the State of Tennessee, That the sum of one hundred and twenty-eight dollars (\$128) be and the same hereby is appropriated to Frank Goodman and W. H. Weakley in payment of sixteen days' work each, at \$4.00 as experts to the joint committee on investigation of the books, etc., of the Comptroller and Treasurer, in pursuance of a joint resolution of this General Assembly, and that said sum be paid upon the warrant of the Comptroller out of any money in the treasury, and said sum be included in the general appropriation bill.

Adopted January 30, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved February 2, 1889.

ROBT. L. TAYLOR,
Governor.

NUMBER 10.

Be it resolved by the General Assembly of the State of Tennessee, That a committee of three on the part of the Senate, and five on the part of the House, be appointed by respective Speakers to visit the Uni-

versity of Tennessee, and make a report to the General Assembly of its condition and affairs.

Adopted January 30, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved February 2, 1889.

ROBT. L. TAYLOR,
Governor.

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NUMBER 11.

WHEREAS, The convicts in the main prison of the penitentiary are in need of more Bibles, hymn-books and Sunday-school literature; and,

WHEREAS, There is a number of noble Christian men and women of Nashville engaged in the great work of Christianizing said convicts; therefore,

Be it resolved by the General Assembly of the State of Tennessee, That two hundred dollars be appropriated for this purpose, and that the same be included in the general appropriation bill.

Be it further resolved, That said amount be made payable to the Inspectors of the penitentiary, to be by them expended in such a manner as best to carry out the provisions and intentions of this resolution.

Adopted March 25, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 30, 1889.

ROBT. L. TAYLOR,
Governor.

NUMBER 12.

Be it resolved by the General Assembly of the State of Tennessee, That it is the sense of this General Assembly that the Inspectors in the future be required to visit the prisons quarterly and report as to the conditions of the same, and that the Inspectors be allowed three (\$3.00) dollars per day each, on expense account for the time necessarily consumed in making inspections.

Be it further resolved, That the above amount be provided for in the general appropriation bill.

Adopted March 25, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved March 30, 1889.

ROBT. L. TAYLOR,
Governor.

NUMBER 13.

Be it resolved by the General Assembly of the State of Tennessee, That a joint committee of three on the part of the Senate, and three on the part of the House be appointed, whose duty it shall be to procure the removal of the remains of that illustrious and great man, ex-Governor John Sevier, from Alabama, and cause the same to be interred in the National Cemetery at Knoxville, Tennessee, and that \$500 be appropriated for said purpose, said amount to be included in the general appropriation bill, and that said committee be directed to open a private

contribution or subscription list allowing any persons to subscribe such amounts as they see fit, to be used by said committee in the erection of a monument on the Capitol grounds at Nashville to his memory, and that the Governor and Speaker of the Senate and Speaker of the House shall be members of said committee by virtue of their office.

Adopted March 25, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 1, 1889.

ROBT. L. TAYLOR,
Governor.

NUMBER 14.

Be it resolved by the General Assembly of the State of Tennessee, That — Jackson, colored, an old man-servant of General Andrew Jackson, who now lives in a small cabin within one hundred yards of the tomb of General Jackson, that in transferring the Hermitage to the Confederate Home and to the Ladies Association, by recent legislation, that we request the Trustees of the Confederate Home Association and the Ladies Association, not to disturb this old and good negro, but allow him to live in his cabin until he is called to meet his old master on the other side of the river, and rest with him under the shade of the trees.

Adopted April 3.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

NUMBER 15.

WHEREAS, by the Acts of the General Assembly of 1883 and 1885 it was provided that the Governor, Treasurer, and Comptroller constitute a Funding Board to examine what is commonly known as the Torbett issue, to fund the same into certificates and to cancel it as funded; and,

WHEREAS, Said Torbett issue, so funded up to April 1, 1887, was counted and destroyed by a joint committee appointed by the General Assembly of 1887, but since that time there has been funded some additional of the Torbett issue, which is now in the safe of Treasurer, and is liable at some time to be scattered or lost; and,

WHEREAS, The original plates of the Bank of Tennessee are now in the basement of the Capitol, and might at some future time be stolen, and additional issue of the Bank of Tennessee issued therefrom and presented for funding; and,

WHEREAS, The bonds of the State of Tennessee printed and lithographed in accordance with the Act of the State of Tennessee of April 1, 1881, in the Acts of 1881, commonly called "the one hundred and three bill," are also in the basement of the Capitol, therefore,

Be it resolved by the General Assembly of the State of Tennessee, That a joint committee, composed of two members of the Senate and three of the House, be appointed with instructions to examine said Torbett issue notes, and if properly canceled, to destroy the same by burning or otherwise; also to destroy the plates of the Bank of Tennessee, and said bonds so issued as aforesaid, and the cost attending upon the destruction of said bank plates and bonds of the State shall be paid by the Treasurer, on a certificate of said committee.

Be it further resolved, That the Committee appointed as aforesaid be allowed five days after the expiration of the present term of this General Assembly to examine, count, and destroy the said Torbett issue, and to destroy said bank plates and said bonds aforesaid, and that they be allowed the services of one

of the experts of the Funding Board to assist them; also count and destroy all notes of Bank of Tennessee in hands of Treasurer for which certificates have been issued; also canceled notes of said bank now in hands of Treasurer which were turned over to him by the Clerk and Master of Davidson County, and insert ten days instead of five.

Adopted April 5, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

NUMBER 16.

WHEREAS, It appearing that M. B. Young, Back Tax Collector, appointed by the Comptroller, collected during the years 1884, 1885, and 1886 back taxes due Jackson County, Tennessee, as follows: County tax, \$380.84; special tax, \$63.36; poor-house tax, \$14.79; making total of \$459.99, and that said Back Tax Collector collected interest, penalty, charges due Jackson County on said back taxes, the sum of \$246.28, making total due Jackson County for taxes, interest, penalty, and charges the sum of \$705.27, as appears from settlement herewith filed; and,

WHEREAS, It appears from said statement, and from the reports of said Back Tax Collector, that the whole of said taxes, interest, penalty, and charges due Jackson County as aforesaid, was, by the said Back Tax Collector, paid into the treasury of Tennessee; now, therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the Comptroller is hereby author-

ized to settle the claims set out in the above preamble, and draw his warrant on the Treasurer in favor of the Trustee of Jackson County, for the benefit of Jackson County, for whatever amount the Comptroller may find to be due on said claim, not to exceed seven hundred and five dollars and twenty-seven cents.

Passed April 6, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

NUMBER 17.

Be it resolved by the General Assembly of the State of Tennessee, That this the Forty-sixth Session of said General Assembly do take a recess till the first Tuesday in May, it being the 7th day.

Adopted April 8, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved May 7, 1889.

ROBT. L. TAYLOR,
Governor.

NUMBER 18.

Be it resolved by the General Assembly of the State of Tennessee, That the Forty-sixth General Assembly adjourn sine die at 8.30 o'clock p. m., May 7, 1889.

Adopted May 7, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved May 7, 1889.

ROBT. L. TAYLOR,
Governor.

HOUSE JOINT RESOLUTIONS.

NUMBER 1.

Be it resolved by the General Assembly of the State of Tennessee, That the Speaker of the House, with the Speaker of the Senate, appoint a committee of five (5), three from the House and two from the Senate, to examine the books, accounts, vouchers, etc., in the Treasurer's and Comptroller's office, and settle with each incumbent, and that said committee be authorized to employ two expert accountants, and that the compensation of said experts be four dollars per day while so employed, reporting the result of their investigation as soon as possible to the General Assembly.

Adopted January 11, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved January 18, 1889.

ROBT. L. TAYLOR,
Governor.

NUMBER 2.

Be it resolved by the General Assembly of the State of Tennessee, That a committee consisting of two members of the House, and three upon the part of the Senate, be appointed by the respective Speakers, to wait upon His Excellency, Governor Taylor, and inform him that the Forty-sixth General Assembly

of Tennessee is duly organized and ready to receive any communication he may desire to transmit.

Adopted January 11, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved.

ROBT. L. TAYLOR,
Governor.

NUMBER 3.

Be it resolved by the General Assembly of the State of Tennessee, That three members of the House, and two of the Senate, be appointed to examine accounts and vouchers of the Bureau of Agriculture, and report as soon as the duty is performed.

Adopted January 14, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved January 18, 1889.

ROBT. L. TAYLOR,
Governor.

NUMBER 4.

Be it resolved by the General Assembly of the State of Tennessee, That the Senate and House of Representatives meet in joint convention in the House of Representatives on Thursday, January 17, 1889, at 10:30 o'clock A. M., for the purpose of counting and declaring the vote cast for Governor, and announce the result at the election held on the 6th of November, 1888, for Governor.

Adopted January 14, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved.

ROBT. L. TAYLOR,
Governor.

NUMBER 5.

Be it resolved by the General Assembly of the State of Tennessee, That the Committee on the Penitentiary of this House, together with the Senate Committee on the Penitentiary, shall inquire—

1. Whether there exists an immediate necessity for the removal of the present Penitentiary, and the reasons therefor if such necessity exists?

2. If such removal be necessary, would it or not be expedient to remove the same from the city of Nashville, or to locate the building near Nashville, and erect branches in the other sections of the State?

3. What would be the probable cost of the necessary grounds and buildings in each supposed aspect?

4. What disposition should be made of the present Penitentiary, and how much if any of the material used in the construction of the present buildings and walls could be utilized to advantage in erecting a new one?

5. Whether any part of the convicts could be used to advantage in erecting the same, if so in what manner?

6. What would be an approximate value to be put on the grounds now occupied and donated to prison uses as a minimum valuation, both with and without the buildings, fixtures, appurtenances, etc., if the same shall be offered for sale?

7. What site or sites would be appropriate for the same, taking into consideration sanitary conditions, safe keeping of prisoners, the economy and general convenience of the locality, or special advantages, if there be any?

8. Whether it is better to continue the lease system or to abandon it, and, if abandoned, what system should be adopted, regard being had to questions of economy, the safe keeping and discipline of the convicts, their health and comfort, and the feasibility under all these considerations of avoiding the competition of convict with free labor or the minimizing of such competition?

Said committee will report by bill or otherwise, and may employ experts to assist in the investigation of these questions.

Adopted January 21, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved.

ROBT. L. TAYLOR,
Governor.

NUMBER 6.

Be it resolved by the General Assembly of the State of Tennessee, That the Committee on Public Grounds and Buildings of this House, together with the Committee on Public Grounds and Buildings of the Senate, shall be constituted a joint select committee who are hereby instructed to consider the propriety of removing the chandeliers in the Hall of the House and Senate Chamber, and the substitution of such lights as may be deemed best for the same, and report accordingly.

Adopted January 30, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved.

ROBT. L. TAYLOR,
Governor.

NUMBER 7.

Be it resolved by the General Assembly of the State of Tennessee, That as a token of admiration for the late illustrious President, James K. Polk, and an evidence of esteem for the many virtues of his worthy widow, the members of this General Assembly shall at an early day visit in a body Mrs. James K. Polk, and that the Speakers of the Senate and House of Representatives be requested to ascertain what time will suit her pleasure for said visit.

Adopted January 30, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved.

ROBT. L. TAYLOR,
Governor.

NUMBER 8.

Be it resolved by the General Assembly of the State of Tennessee, That a flag of our country be purchased for the use of the State Capitol, and the Superintendent of the Capitol is hereby directed to purchase the same; provided, cost of same is not to exceed (\$40) forty dollars.

Adopted February 14, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved February 20, 1889.

ROBT. L. TAYLOR,
Governor.

NUMBER 9.

Be it resolved by the General Assembly of the State of Tennessee, That two thousand (2,000) additional copies of report of Commissioner of Agriculture be published for the use of members and the Department, and that the cost of same be paid out of any moneys in the Treasury not otherwise appropriated.

Adopted February 18, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved February 21, 1889.

ROBT. L. TAYLOR,
Governor.

NUMBER 10.

Be it resolved by the General Assembly of the State of Tennessee, That the election by the Board of Trustees of the Tennessee Deaf and Dumb School of Frank A. Moses and John McCoy to fill vacancies occasioned in said Board of Trustees by the death of William K. Eckle and John L. Moses, is hereby confirmed.

Adopted February 21, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved February 23, 1889.

ROBT. L. TAYLOR,
Governor.

NUMBER 11.

WHEREAS, A large number of the members of the General Assembly desire to attend the inauguration of Benjamin Harrison as President of the United States at Washington, D. C., March 4, 1889; therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the Legislature take a recess from noon Friday, March 1, 1889, to meet at 10 o'clock Thursday, March 7, 1889.

Adopted February 21, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved February 23, 1889.

ROBT. L. TAYLOR,
Governor.

NUMBER 12.

WHEREAS, By Act of May 15, 1866, thirty thousand (\$30,000) dollars in State bonds were issued for the purpose of building the Ooltewah and Savannah Valley Turnpike; and,

WHEREAS, said bonds were sold; and

WHEREAS, Only a small part of said road has been built, and only a small part of the money arising from the sale of said bonds expended for said purpose; therefore,

Be it resolved by the General Assembly of the State of Tennessee, That a committee of three members of the House, and three on the part of the Senate, be appointed to investigate and report—

1. How much money was derived from the sale of said bonds.

2. How much of the same has been expended, and by whom.

3. How much remains unexpended, and in whose hands is the same.

4. Any other facts connected with the transaction. And they will report to the present session. And said committee is hereby empowered to send for witnesses and papers, and compel the attendance of the witnesses and production of the papers.

Adopted February 27, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 16, 1889.

ROBT. L. TAYLOR,
Governor.

NUMBER 13.

Be it resolved by the General Assembly of the State of Tennessee, That the State Board of Health be requested to investigate the sanitary condition of the Capitol and report to the General Assembly at its earliest convenience the most approved plan for the systematic ventilation, heating, and drainage of the building, with estimates of cost of the same; and for this purpose they may, if they deem it necessary, have a careful survey made by competent experts, the cost of which shall be provided for in the General Appropriation Bill.

Resolved further, That a copy of this resolution be furnished the President or Secretary of the State Board of Health.

Adopted March 12, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 16, 1889.

ROBT. L. TAYLOR,
Governor.

NUMBER 14.

Be it resolved by the General Assembly of the State of Tennessee, That the Comptroller draw his warrant in favor of the city of Nashville for the sum of four hundred and forty-nine dollars (\$449), due the city for water furnished the capitol from April, 1885, to April,

1889, and that the same be included in the General Appropriation Bill.

Adopted March 14, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 19, 1889.

ROBT. L. TAYLOR,
Governor.

NUMBER 15.

Be it resolved by the General Assembly of the State of Tennessee, That the Adjutant-General be directed to collect into the Armory of the State all the arms, accoutrements, etc., belonging to the State and not in actual use by the National Guard, and that he be empowered and directed to make an inspection of all the arms, equipments, etc., of every character belonging to the State, and condemn all that he may deem unserviceable and unfit for arming and equipping the Guard, and advertise and sell the same in any manner or to any person or persons he may deem best for the interest of the State, and that he be authorized to use the proceeds of such sale in the purchase of such modern and serviceable military stores as may be needed after paying the expense of collecting together, advertising, and selling the same; provided, that the proceeds of any such arms, equipments, etc., now held by the University of Tennessee, shall be used for the purchase of serviceable arms and equipments for said University.

Adopted March 20, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved March 23, 1889.

ROBT. L. TAYLOR,
Governor.

NUMBER 16.

Be it resolved by the General Assembly of the State of Tennessee, That the State Treasurer, Comptroller, and Superintendent of the Capitol are hereby authorized and directed to immediately have a gas trap put in the sewer main leading from the Capitol a sufficient distance from the building to admit of the free escape of sewer gas, and the sum of fifty dollars (\$50), or so much thereof as may be necessary, is hereby appropriated to pay for said work.

Adopted March 25, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 4, 1889.

ROBT. L. TAYLOR,
Governor.

NUMBER 17.

WHEREAS, Information of a reliable character has been made known to some members of this General Assembly that there has been a brick stable and carriage house torn down and sold from the Hermitage farm; and,

WHEREAS, There has been information received by some members of this General Assembly that there has been cut and sold from said farm a large number of saw-logs within the last five years, from which the State has derived no proceeds, and of which there has no account been made to the State; therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the Comptroller, Treasurer, and Secretary of State be and they are hereby instructed to investigate the matter, and cause a settlement to

be made with the State by the party who sold the property from the farm, if found to be sold from the farm.

Adopted March 29, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 2, 1889.

ROBT. L. TAYLOR,
Governor.

NUMBER 18.

Be it resolved by the General Assembly of the State of Tennessee, That the Committee on Public Grounds and Buildings be and they are hereby required to ascertain the cost of constructing a plank floor over the stone floor in the Bureau of Agriculture, also a carpet for the same, and report without delay.

Adopted March 29, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 2, 1889.

ROBT. L. TAYLOR,
Governor.

NUMBER 19.

WHEREAS, Doubts exist as to the boundary line between the Hiwassee and Ocoee Land Districts; therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the Surveyor of Monroe County run and mark the line between said Districts.

Beginning on a marked poplar on the bank of the Tennessee River, opposite or near the center of an island at Tellessee Old Town, where the line of said Hiwassee District strikes said river, as laid down on the map of said district; thence with the line of said district according to said map to Cetica Creek.

Adopted March 30, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 4, 1889.

ROBT. L. TAYLOR,
Governor.

NUMBER 20.

WHEREAS, By agreement entered into between the General Assembly of the State of Tennessee and the Trustees of the Peabody Education Fund, whereby the State of Tennessee for its part agrees to make an annual appropriation of ten thousand dollars (\$10,000) for the support of the Peabody Normal College, located in the city of Nashville; and the Trustees of the Peabody Education Fund agree to give to Tennessee fourteen Peabody Scholarships in said Peabody Normal College; and,

WHEREAS, The annual appropriation of said

amount, ten thousand dollars, has been made for the support of said Normal College; and,

WHEREAS, By the death of Dr. Eben S. Stearns, the former President of said Normal College, and the failure of the State Board of Education, whose duty it is to expend said ten thousand dollars, to draw out of the Treasury of the State of Tennessee the amount thus appropriated during the fiscal years for which said amount was appropriated; and,

WHEREAS, The Comptroller, Hon. P. P. Pickard, has ruled that where an appropriation has been made and has not been drawn from the Treasury during the fiscal years for which said appropriation was made, that the amount reverts to the State and cannot be then drawn out; and,

WHEREAS, The said ruling of the said Hon. P. P. Pickard prevents the State Board of Education from using the amount of twelve thousand four hundred and fifty-eight dollars and thirty-four cents (\$12,458.34), the amount not drawn by said Board during the fiscal years for which it was appropriated; and,

WHEREAS, The said Peabody Normal College is now in an embarrassed financial condition, there being no funds to meet the current expenses of said College; therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the Comptroller be instructed to issue his warrant upon the order of His Excellency, Gov. Robt. L. Taylor, for the amount of twelve thousand four hundred and fifty-eight dollars and thirty-four cents (\$12,458.34), the amount due said College by appropriation by a former General Assembly, and not expended by the State Board of Education.

Adopted March 30, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 4, 1889.

ROBT. L. TAYLOR,
Governor.

NUMBER 21.

Be it resolved by the General Assembly of the State of Tennessee, That the Funding Board, created under the Act of the General Assembly, passed March 15, 1883, being Chapter 84 of said Acts, consisting of the Governor, Comptroller, and Treasurer, be and are hereby authorized and empowered to borrow such sum or sums of money in the name of the State as said Board may deem necessary to supplement the funds in the State Treasury for the purpose of promptly paying the interest to fall due upon the bonds funded under the said Act of 1883, and those which may be hereafter funded under said Act, July 1, 1889, January 1, 1890, July 1, 1890, and January 1, 1891.

Be it further resolved, That said Funding Board, for all sums borrowed under authority of this resolution, shall execute the note or notes of the State payable to the lender on demand, said note or notes to bear interest not exceeding the legal rates, said Board shall have the right to reduce and pay off said note or notes with accrued interest out of any funds in the treasury not otherwise appropriated upon the Comptroller's warrant issued therefor.

The Comptroller shall keep a record showing amount of said note or notes, when and to whom same were executed, and when same were paid.

Adopted April 2, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 4, 1889.

ROBT. L. TAYLOR,
Governor.

NUMBER 22.

WHEREAS, Indiscriminate immigration to ours from other countries is an evil of great magnitude, and demands stringent legislation for its suppression ; therefore,

Be it resolved by the General Assembly of the State of Tennessee, That our Senators be instructed and our Representatives in the National Congress be requested to urge and promote, by every possible means, legislation that will prohibit the landing of all immigrants who do not bring from the Consul, or some other authorized agent in the country from which they immigrate, a certificate showing that they have been good and law abiding citizens, and come with honest purpose to become good citizens of this country.

Adopted April 2, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 4, 1889. . .

ROBT. L. TAYLOR,
Governor.

NUMBER 23.

WHEREAS, It has been made known to this General Assembly that on the 2d of May, 1866, the Legislature appropriated to various and sundry turnpike companies, mentioned in said Act, four hundred and fifty thousand dollars of stock then owned by the State in the East Tennessee & Georgia Railroad Company ; and,

WHEREAS, Said appropriation was extended by the State as a loan, and was based upon certain imperative conditions precedent, which were required by said turnpike companies before they were authorized to receive said stock; and,

WHEREAS, It is shown by the report of special committee appointed under House Joint Resolution No. 72, and the evidence filed with said report that a large part if not all of said stock was issued by said railroad company to said pikes, before any effort was made to comply with the conditions upon which the loan was made, and the terms of the loan were wholly disregarded by said railroad company in issuing said stock, and said turnpike companies in receiving; and,

WHEREAS, It appears that the State is still the owner of said stock, or is entitled to the proceeds; therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the report of the committee under House Joint Resolution No. 72 be and the same is hereby adopted.

Be it further resolved, That the Treasurer of the State be and is hereby authorized to employ counsel to co-operate with the Attorney-General for the State, and that they institute all necessary legal proceedings in the name of the State to cover into the State Treasury all of said stock or its proceeds from any and all persons who may be liable for the same; provided, that the fees of any attorneys performing services under the provisions of this resolution shall be paid out of the moneys recovered by them; and, provided further, That said fees for such services shall not exceed in the aggregate (5) five per cent. of the sum recovered.

Adopted April 3, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 6, 1889.

ROBT. L. TAYLOR,
Governor.

NUMBER 24.

Be it resolved by the General Assembly of the State of Tennessee, That the Printer to the State be and is hereby instructed to print five (5,000) thousand copies of the Acts of this session of the General Assembly, and seven hundred copies each of the Senate and House Journals, and appendices, all to be bound in the usual style prescribed by law.

Be it further resolved, That the State Printer be authorized to print any additional number of said Acts as he may wish, at his own expense, for sale, but said Acts shall not be sold by him for more than one dollar and one half (\$1.50) per copy.

Adopted April 6, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

Approved April 8, 1889.

ROBT. L. TAYLOR,
Governor.

SENATE RESOLUTIONS.

NUMBER 1.

Be it resolved by the Senate, That the Clerk of the Senate is hereby directed to wait upon and notify the House of Representatives that the Senate is organized as a body, and ready for the transaction of business.

Adopted January 9, 1889.

BENJ. J. LEA,
Speaker of the Senate.

NUMBER 2.

Be it resolved by the Senate, That the following Standing Committees of the Senate shall be appointed by the Speaker, and the same be printed in the rules, viz.:

1. Committee on Finance, Ways, and Means.
2. Committee on Claims.
3. Committee on Education and Common Schools.
4. Committee on Judiciary.
5. Committee on Military Affairs.
6. Committee on New Counties and County Lines.
7. Committee on Penitentiary.
8. Committee on Banks.
9. Committee on Federal Relations.
10. Committee on Public Roads.
11. Committee on Enrolled Bills.
12. Committee on Public Grounds and Buildings.
13. Committee on Charitable Institutions.
14. Committee on Agriculture, Manufactures, Mining, and Immigration.

15. Committee on Public Printing.
16. Committee on Privileges and Elections.
17. Committee on Corporations.
18. Committee on Railways.
19. Committee on State Debt.
20. Committee on Rules.

Adopted January 10, 1889.

BENJ. J. LEA,
Speaker of the Senate.

NUMBER 3.

WHEREAS, The spittoons now in use in the Senate are now in bad condition, and there are not enough for one-half of the seats.

Be it resolved by the Senate, That the Sergeant-at-Arms of the Senate be instructed to furnish at once twenty-five good spittoons for the use of the Senate, and that the price of same be included in the general appropriation bill.

Adopted January 10, 1889.

BENJ. J. LEA,
Speaker of the Senate.

NUMBER 4.

Be it resolved by the Senate, That the Comptroller issue his warrant in favor of George W. Griffin, Jr., for twelve dollars for two days services rendered in the organization of the Senate as Assistant Clerk, and that same sum be included in the general appropriation bill.

Adopted January 10, 1889.

BENJ. J. LEA,
Speaker of the Senate.

NUMBER 5.

Be it resolved by the Senate, That the Comptroller issue his warrant in favor of Whit Fields and Charlie Bell for the sum of thirty-six (\$36) dollars each for services rendered as porters in preparing the Senate chamber for the convening of the Senate, and for services rendered as same during the organization, and that same amount be included in the general appropriation bill.

Adopted January 10, 1889.

BENJ. J. LEA,
Speaker of the Senate.

NUMBER 6.

Be it resolved by the Senate, That a committee of three be appointed to prepare rules for the government of the Senate during the present General Assembly, and that said committee, when appointed, shall act in conjunction with a like committee from the House to prepare and report rules for the government of the two Houses when in joint convention.

Adopted January 12, 1889.

BENJ. J. LEA,
Speaker of the Senate.

NUMBER 7.

Be it resolved by the Senate, That there shall be added to the list of standing committees of the Senate, heretofore provided for by resolution, a Committee on Sanitary Affairs, to be appointed by the Speaker, and that the same be printed with the rules.

Adopted January 14, 1889.

BENJ. J. LEA,
Speaker of the Senate.

NUMBER 8.

Be it resolved by the Senate, That the Sergeant be and he is hereby directed to furnish each member of the Senate with five dollars in postage stamps, and that the same be included in the general appropriation bill.

Adopted January 14, 1889.

BENJ. J. LEA,
Speaker of the Senate.

NUMBER 9.

Be it resolved by the Senate, That the Comptroller be and is hereby instructed to draw his warrant in favor of W. F. Overstreet for the sum of \$3.50 for repairing desks and doors in the Senate Chamber, said account being approved by the Sergeant-at-Arms, John P. Hickman.

Adopted January 16, 1889.

BENJ. J. LEA,
Speaker of the Senate.

NUMBER 10.

Be it resolved by the Senate, That the Chief Clerk be directed to furnish a weekly calendar of the business before this body for the convenience and information of Senators.

Adopted January 16, 1889.

BENJ. J. LEA,
Speaker of the Senate.

NUMBER 11.

Be it resolved by the Senate, That the Sergeant-at-Arms be instructed to engage a plumber to repair the gas tubes, and the cost thereof be included in the appropriation.

Adopted January 21, 1889.

BENJ. J. LEA,
Speaker of the Senate.

NUMBER 12.

WHEREAS, During the recesses or adjournments of the Senate there is always lost needed furniture and other necessities, including chairs, spittoons, ink-stands, etc., and the same have to be repurchased on the assembling of each Senate; therefore,

Be it resolved by the Senate, That the Sergeant-at-Arms be and is hereby instructed to take control and charge of all the furniture, fixtures, etc., belonging to the Senate during its adjournment, and have the same ready for the meeting of the next Senate.

Be it further resolved, That the Sergeant-at-Arms be allowed two days after the adjournment of the Senate, at his regular per diem, to arrange said furniture, etc., for safe keeping, and that the same be included in the general appropriation bill.

Adopted January 21, 1889.

BENJ. J. LEA,
Speaker of the Senate.

NUMBER 13.

Be it resolved by the Senate, That the Committee on Public Grounds and Buildings be instructed to inquire and report—

1. As to the practicability of removing the chandelier from the Senate Chamber and the substitution therefor some plan by which the Chamber can be lighted by electricity.

2. They are also instructed to inquire and report the probable cost of making this improvement, and to make their report to this body as early as practicable.

Adopted January 24, 1889.

BENJ. J. LEA,
Speaker of the Senate.

NUMBER 14.

Be it resolved by the Senate, That the Assistant Clerk be and he is hereby directed to prepare a roster of the members and officers of the Senate for the use of the Senate, House, and State officers, and that two hundred copies of the same be printed.

Adopted January 25, 1889.

BENJ. J. LEA,
Speaker of the Senate.

NUMBER 15.

Be it resolved by the Senate, That W. M. Woodcock was not elected a State Senator from the county of Davidson at the election held on the 6th day of November, 1888, and is therefore not entitled to a seat in this body.

Be it further resolved, That at said election on the 6th day of November, 1888, for State Senator from Davidson County, that Michael Burns was constitutionally elected as State Senator from said county, and that he be seated and sworn in as a member of this body.

Adopted January 26, 1889.

BENJ. J. LEA,
Speaker of the Senate.

NUMBER 16.

Be it resolved by the Senate, That while a majority of the Senate have voted in the contested election for the unseating of Senator Woodcock, on the ground of frauds practiced at the election, the Senate herewith takes occasion to say that no reflection on the character of Mr. Woodcock is intended. On the contrary, they desire to express their respect for his bearing and deportment while a member of the Senate, and to record the fact that they part with him with expressions of sympathy.

Adopted January 26, 1889.

BENJ. J. LEA,
Speaker of the Senate.

NUMBER 17.

WHEREAS, The door in the rear of the Senate Chamber is very much out of order, and there are several other necessary improvements needed, also a slop-bucket, brushes, gas chimney for Clerk, and several locks that have been recently repaired in the desks, and several other small things are needed, also a desk for the Clerk; therefore,

Be it resolved by the Senate, That the Sergeant at Arms be and he is hereby authorized to have all of said improvements made, purchase whatever may be absolutely necessary, and pay for the locks heretofore mended, and the cost of the same shall be included in the general appropriation bill.

Adopted January 26, 1889.

BENJ. J. LEA,
Speaker of the Senate.

NUMBER 18.

Be it resolved by the Senate, That it is the sense of this body that W. M. Woodcock be paid the per diem of a member of the Senate for the period of twenty days, being the number of days he served as a member, and that the sum of eighty dollars shall be included in the general appropriation to pay the same.

Adopted January 29, 1889.

BENJ. J. LEA,
Speaker of the Senate.

NUMBER 19.

WHEREAS, A resolution has heretofore been adopted by the Senate and House of Representatives authorizing the Committee on Charitable Institutions, and the Penitentiary, and Tennessee University, to sit during the recess; also authorizing said committees to visit said Institutions, and to report thereon on the re-assembling of the Legislature; and,

WHEREAS, Said resolution authorized said committees to employ stenographers, and also to take with them, subject to their orders, the chief Sergeant-at-Arms of the Senate and House of Representatives; and,

WHEREAS, By an oversight in drawing said resolution no provision was made for the payment of the expenses of said committees; therefore,

Be it resolved by the Senate, That the expenses of said committees, including the compensation to the stenographers, and the same pay as their regular per diems to the members and Sergeant-at-Arms, shall be paid by the Treasurer, and the same shall be included in the general appropriation bill.

Adopted February 1, 1889.

BENJ. J. LEA,
Speaker of the Senate.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved February 15, 1889.

ROBT. L. TAYLOR,
Governor.

NUMBER 20.

WHEREAS, The Senate is badly in need of additional hat racks; therefore,

Be it resolved by the Senate, That the Sergeant-at-Arms be and he is hereby ordered to purchase two additional hat racks for the use of the Senate, and the cost of the same shall be included in the general appropriation bill.

Adopted February 20, 1889.

BENJ. J. LEA,
Speaker of the Senate.

NUMBER 21.

WHEREAS, Previous to the opening of the Legislature the Superintendent of the Capitol purchased sundry articles for the use of the Senate, such as coal hods, towels, soap, brooms, keys for desks, etc., aggregating in amount nineteen dollars and seventy-three cents (\$19.73); therefore,

Be it resolved by the Senate, That the Comptroller be and is hereby directed to issue his warrant on the Treasurer for payment of same.

Adopted February 22, 1889.

BENJ. J. LEA,
Speaker of the Senate.

NUMBER 22.

Be it resolved by the Senate, That when the Senate shall act on the question of confirming the appointments made by the Governor, that it proceed with open doors.

Be it further resolved, That the consideration of said appointments be made the special order of the Senate at eleven o'clock A. M. to-day, the 25th of February.

Adopted February 25, 1889.

BENJ. J. LEA,
Speaker of the Senate.

NUMBER 23.

WHEREAS, There exists dissatisfaction as to the form and size of public school districts in various counties of the State; and,

WHEREAS, It requires a legislative Act to alter or change the line, or to create new school districts in said counties; therefore,

Be it resolved by the Senate, That the Committee on Education and Common Schools be directed to prepare and report a bill conferring upon the County Courts the power to alter, change, or create new school districts in the various counties of the State, and also to provide a way in which the lines shall be changed, or new districts created.

Adopted February 25, 1889.

BENJ. J. LEA,
Speaker of the Senate.

NUMBER 24.

WHEREAS, That by a minority report of the Senate Committee on Penitentiary, the Senate is advised that the law of Tennessee is ignored or positively disobeyed at the various branch prisons, and that the prisoners are subjected to various and sundry unnecessary neglects, abuses, and cruelties; that their food is badly cooked, and served to them in an unwholesome condition; that they are not given a sufficient amount of clothing for comfort nor health; that they are forced to work in the rain, and for a want of change of clothes, are compelled to sleep in their wet garments; that they are required to do more work in a day than the law demands, and that they are often severely whipped with the lash with great wantonness and cruelty; and,

WHEREAS, It is the duty of this Senate to see that every officer or appointee complies faithfully and fully with the requirements of the laws, and that the State's prisoners shall have the law justly meted to them; therefore,

Be it resolved by the Senate, That the Board of Inspectors of the Penitentiary of the State of Tennessee be and they are hereby required to report to the Senate within ten days in regard to the management of the branch prisons of the State, giving in detail the management and treatment of the prisoners in said branch prisons, in each and every particular.

Adopted February 25, 1889.

BENJ. J. LEA,
Speaker of the Senate.

NUMBER 25.

WHEREAS, The Legislature has adopted a resolution to take a recess five days; and,

WHEREAS, It is necessary that fires be kept up during said recess, and the mail of the Senate be taken care of; therefore,

Be it resolved by the Senate, That the Sergeant-at-Arms shall order one of the Senate porters to remain here during said recess, and his per diem shall be included in the general appropriation bill.

Adopted February 27, 1889.

BENJ. J. LEA,
Speaker of the Senate.

NUMBER 26.

WHEREAS, The news has just reached this Senate of the death of Jesse Norment, a former member of the Senate, from Hardeman County, and who, during his life, was several times a member of the General Assembly; one who always honorably, earnestly, and faithfully served his people; therefore,

Be it resolved by the Senate, That in his death the State has lost one of its most useful and honored citizens; that we deplore the untimely death of Ex-Senator Norment, and that we hereby tender to his widow and family our most sincere condolence.

Be it further resolved, That a copy of these resolutions be forwarded to the widow of the deceased.

Adopted February 27, 1889.

BENJ. J. LEA,
Speaker of the Senate.

NUMBER 27.

WHEREAS, The sad intelligence of the death of the wife of Hon. J. A. West, a respected and beloved member of this body, has just been received; and,

WHEREAS, The deepest shadows now drape his home, casting a gloom where but a moment before was cheer and sunshine; and,

WHEREAS, The poetic appeal, "Teach me to feel another's woe," is as commendable in practice as it is beautiful in sentiment; therefore,

Be it resolved by the Senate, That the members of this body share deeply with Senator West in this his hour of grief, and tender to him the sympathies of the entire body of the Senate, of which he is a respected member.

Be it further resolved, That these resolutions be spread upon the Journal of the Senate, and a copy of same furnished Mr. West by the Clerk of the Senate.

Adopted March 27, 1889.

BENJ. J. LEA,
Speaker of the Senate.

NUMBER 28.

WHEREAS, Information has just been received of the death of the Hon. John R. Neal, at his home in Rhea Springs, Rhea County, Tennessee; and,

WHEREAS, The deceased has served with credit to himself and honor to his constituents in both Houses of the General Assembly of the State of Tennessee, and during the term of his service in the Senate presided as its Speaker with a marked degree of ability and fairness; and,

WHEREAS, Since that time he has served his country faithfully, and once as Presidential Elector and as a member of the Congress of the United States; therefore,

Be it resolved by the Senate, That in the death of the Hon. John R. Neal our State has lost an upright man and citizen, a man who has left his impress on the history of his time as a legislator and a friend of the people.

Be it further resolved, That we deplore his death and deeply sympathize with his family in this their hour of sore affliction.

Be it further resolved, That this resolution be spread upon the minutes of this honorable body, and that the Clerk of the Senate be instructed to send them to the family of the distinguished deceased.

Adopted March 28, 1889.

BENJ. J. LEA,
Speaker of the Senate.

HOUSE RESOLUTIONS.

NUMBER 1.

WHEREAS, on the 14th day of January, 1887, the House of Representatives of Tennessee adopted Resolution No. 16, requesting the Secretary of State to purchase one copy of the revised Code of Tennessee for each desk in the Hall of Representatives, and one for the Speaker; and

WHEREAS, Said copies of the Code were purchased, as moved for in said resolution, and delivered to the Sergeant-at-Arms of the House, Mr. J. D. Talley; and

WHEREAS, It was the duty of said Sergeant-at-Arms to have returned all of said copies of the Code over to the Secretary of State on the adjournment of the Forty-fifth General Assembly, or account for the same; and,

WHEREAS, A great number of said copies of the Code were not accounted for by the Sergeant-at-Arms to the Secretary of State, and are an entire loss to the State; therefore,

Be it resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to investigate and report—

1. The number of volumes of the Code that were purchased under the Resolution No. 16, and the cost of each volume.

2. The number of said Code that were returned to the Secretary of State.

3. The number that are now on hand for distribution for the use of the members of the House.

4. The reason why all of said volumes of the Code were not returned to the office of the Secretary of State, as provided for in Resolution No. 16, with the view of holding the Sergeant-at-Arms of the Forty-fifth General Assembly liable therefor unless produced or satisfactorily accounted for.

Adopted January 11, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

NUMBER 2.

Be it resolved by the House of Representatives, That the Sergeant-at-Arms be instructed to purchase a sufficient number of cuspidors to supply the House, and that he be instructed further to erect a screen at the stoves to protect members from uncomfortable heat, and provide hat racks for the committee rooms.

Adopted January 12, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

NUMBER 3.

WHEREAS, The House of Representatives has learned with much sorrow of the bereavement that has fallen upon one of its members, to wit: The Hon. H. E. Palmer, of Rutherford County, in the loss of his only daughter; therefore,

Be it resolved by the House of Representatives, That we extend to our fellow-member our heart-felt sympathy in the sad visitation of Divine Providence to his family.

Adopted January 12, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

NUMBER 4.

Be it resolved by the House of Representatives, That the Speaker be authorized to appoint a Journal Clerk whenever the services of such an officer are required, and that said Clerk receive the usual compensation for his services.

Adopted January 14, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

NUMBER 5.

Be it resolved by the House of Representatives, That the Assistant Clerk be directed to prepare a roster of the members of the House in the usual form.

Adopted January 14, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

NUMBER 6.

Be it resolved by the House of Representatives, That the Clerk be and is hereby directed to prepare, and cause to be laid on the desk of each member of the House, on every Monday morning, a revised calendar, showing the business of the House, status of bills and resolutions, by whom introduced, and action of the House thereon.

Adopted January 14, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

NUMBER 7.

Be it resolved by the House of Representatives, That the sum of five dollars be appropriated to each member for the purpose of purchasing stamps to send public documents to their constituents.

Adopted January 14, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

NUMBER 8.

Be it resolved by the House of Representatives, That the Treasurer be instructed to pay the two Sergeant-at-Arms and the four porters who have served the House during its organization, at the rates paid the regularly elected Sergeant-at-Arms and porters, four dollars per day for Sergeant-at-Arms and Assistant, and three dollars per day each for the porters, and that said time served shall be certified by the Superintendent of the Capitol.

Adopted January 11, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

NUMBER 9.

Be it resolved by the House of Representatives, That the bill of nine (\$9.40) dollars and forty cents be allowed to W. F. Overstreet for repairs on desks in the House of Representatives.

Adopted January 22, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

NUMBER 10.

Be it resolved by the House of Representatives, That the Hon. Joe Harris, at his own request, is hereby directed to repair the window curtain in the rear of the Speaker's stand without cost to the State.

Adopted January 26, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

NUMBER 11.

Be it resolved by the House of Representatives, That the members of the House of Representatives hereby tender their thanks to the Hon. Joe Harris for fixing the curtain back of the Speaker's stand, thereby saving to the State six dollars.

Adopted January 29, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

NUMBER 12.

Be it resolved by the House of Representatives, That the Assistant Sergeant-at-Arms be and he is hereby directed to remain in charge of the Hall of the House of Representatives during the recess, to receive and retain the mail of the members during their absence, and to have fires kept up in the hall.

Be it further resolved, That one of the porters, to be designated by the Sergeant-at-Arms, shall also remain during the recess.

Adopted January 30, 1889.

• W. L. CAPP,
Speaker of the House of Representatives.

NUMBER 13.

Be it resolved by the House of Representatives, That the Sergeant-at-Arms be directed to procure all necessary ash-pans, pokers, scuttles, etc., that may be needed for the convenience of the House of Representatives, and that the cost of the same be included in the general appropriation bill.

Adopted January 31, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

NUMBER 14.

Be it resolved by the House of Representatives, That the sincere thanks of the House are hereby tendered to the young ladies of Ward's Seminary for having honored it with a visit on yesterday evening. Recognizing them as among the fairest and loveliest

flowers of Tennessee and other States, they are respectfully invited to beautify and adorn this hall with their presence often during the sessions of the House.

Be it further resolved, That the clerks of the House furnish the principal of said school with a copy of this resolution, with a request it be read to them.

Adopted February 14, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

NUMBER 15.

WHEREAS, The death of Bishop H. N. McTyeire is announced to have occurred at 8.52 A. M., Feb. 15, 1889; therefore,

Be it resolved by the House of Representatives, That in the death of Bishop McTyeire the State of Tennessee has lost one of its most useful citizens; that the character and influence of such a man will always strengthen and elevate the moral history of any State; that his stern integrity of purpose will ever act as an incentive to encourage his fellow-citizens to emulate those higher principles which rendered him so eminently useful to his State; that the cause of Christianity has never known a stronger advocate than was he; that the cause of education in our State especially has received through his exertions such substantial and permanent aid as can be measured only by the future history of our State.

Be it further resolved, That a copy of these resolutions be furnished to the family of Bishop McTyeire, after being signed by the Speaker of the House, as an evidence of our sympathy in this calamity that has befallen them and the State of Tennessee.

Adopted February 16, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

Approved February 20, 1889.

ROBT. L TAYLOR,
Governor.

NUMBER 16.

WHEREAS, By former resolutions of the House the Assistant Sergeant-at-Arms was directed to procure various articles for the use of the House; and,

WHEREAS, These articles have been purchased and the accounts for the same have been presented and approved by the Assistant Sergeant-at-Arms,

Be it resolved by the House of Representatives, That the Comptroller be and he is hereby directed to draw his warrant on the Treasurer in favor of the following parties for the amounts set opposite their names, to wit:

| | |
|--------------------------|---------|
| Page & Sims..... | \$ 0 50 |
| A. G. Rhodes & Co | 15 00 |
| John Duff | 1 80 |
| Bradford Nichol..... | 20 00 |
| P. H. Timothy & Co | 7 50 |

Adopted February 21, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

NUMBER 17.

WHEREAS, The Superintendent of the capitol has purchased certain articles for the use of the House, the accounts for which have been presented and approved by him; therefore,

Be it resolved by the House of Representatives, That the Comptroller be and he is hereby instructed to draw his warrant on the Treasurer in favor of the following

parties for the amount set opposite their names, to wit:

| | |
|--|---------|
| Jungerman & Co | \$ 6 28 |
| W. M. Cook | 31 50 |
| J. H. Fall & Co..... | 2 50 |
| Phillips & Buttorff Manufacturing Co | 14 90 |
| Wm Fliege | 4 40 |
| John Duff | 1 25 |
| Lebeck Bros..... | 1 46 |

Adopted February 21, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

NUMBER 18.

WHEREAS, The Hon. Beaty Cecil, a member of this House, has suffered a sad bereavement in the death of his mother; therefore,

Be it resolved by the House of Representatives, That we do hereby tender to him our most sincere and heart-felt sympathy in his great sorrow and irreparable loss.

Adopted February 21, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

NUMBER 19.

WHEREAS, Many bills of minor importance to the public are often ordered to be printed at the expense of the State; therefore,

Be it resolved by the House of Representatives, That hereafter all motions or resolutions to print any bill shall be referred to the Committee on Public Printing, and the same there considered before action shall be taken by the House.

Be it further resolved, That the consideration of any motion or resolution to print a bill or bills shall have precedence to all other matter that may be before the Committee on Public Printing for its consideration.

Adopted February 22, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

NUMBER 20.

WHEREAS, It being reported, on examination by an expert mechanic, that the chandelier of the House has become dangerous, and liable at any time to fall; therefore,

Be it resolved by the House of Representatives, That the Superintendent of the Capitol and three members from the Committee on Public Grounds and Buildings be and they are hereby directed to remove the same as soon as possible, and said committee shall put the contract to the lowest bidder, and provide some other temporary means of lighting the Hall when necessary, and that on presenting a bill of the expense for the same, with proper authentication, the Comptroller will issue his warrant for the amount, and the Committee on Ways and Means will include the same in the appropriation bill.

Adopted February 26, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

NUMBER 21.

Be it resolved by the House of Representatives, That we do earnestly sympathize with the Hon. Sam Comer in his great bereavement, occassioned by the death of his sister.

Adopted February 26, 1889.

W. L. CLAPP,

Speaker of the House of Representatives.

— — —

NUMBER 22.

Be it resolved by the House of Representatives, That the Sergeant-at-Arms and one of the porters of the House be required to remain here during the recess to take care of the House and mail.

Adopted February 27, 1889.

W. L. CLAPP,

Speaker of the House of Representatives.

—

NUMBER 23.

WHEREAS, The Legislature of the State of Tennessee has heard with profound regret of the death of the Hon. Jesse Norment, of Hardeman County, Tenn., which sad event occurred at his home in Bolivar on the morning of the 25th inst.; therefore,

Be it resolved by the House of Representatives, That in the death of Jesse Norment the State has lost one

of its most influential and prominent citizens, the community a useful member, his family an affectionate and devoted husband and father, and the legal profession a bright and shining light.

Be it further resolved, That in every station of life that he was called to fill he discharged the duties devolving upon him with a fidelity and uprightness that caused the admiration of friends and the respect of foes.

Be it further resolved, That we tender his bereaved and stricken family and friends our sincere and heartfelt sympathies, and invoke the blessing of Him who “tempers the wind to the shorn lamb,” and notes even the sparrow’s fall.

Adopted February 28, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

NUMBER 24.

WHEREAS, We have heard with the greatest pleasure and satisfaction of the triumphant vindication of that great patriot and leader of the Irish people, Charles Stewart Parnell, from the charges made against him by the enemies of home rule in Ireland; therefore,

Be it resolved by the House of Representatives, That we congratulate Mr. Parnell and his noble band of co-workers in the cause of human liberty, and we express to the Irish people our sympathy in their efforts to be free.

Adopted March 7, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

NUMBER 25.

Be it resolved by the House of Representatives, That the Committee on Finance, Ways, and Means be instructed to appropriate in the general appropriation bill, out of the funds of the State, the sum of one hundred dollars (\$100) to the Rev. C. D. Elliott for his services as Chaplain of the House of Representatives.

Adopted March 9, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

NUMBER 26.

Be it resolved by the House of Representatives, That on to-morrow, Saturday, March 16th, when the House meets after adjournment for dinner, any member may call up bills strictly local, on which no roll call is necessary, and which shall be submitted to the action of the House without speech or debate, but upon the reading of the bills only.

Adopted March 15, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

NUMBER 27.

WHEREAS, The chandelier, which so long hung in the hall of the House of Representatives, has been removed; and,

WHEREAS, The Buffalo and Indian ornaments on the said chandelier were taken by certain persons, members and others; and,

WHEREAS, The Superintendent of the Capitol requested that these ornaments remain with the other parts of the chandelier; and,

WHEREAS, It has come to the knowledge of many of the members that the said Buffalo and Indian ornaments can be sold at five dollars each, and that members and Senators alike are anxious to secure them as relics; therefore,

Be it resolved by the House of Representatives, That the parties carrying said ornaments away be and are hereby requested to return the same that they may be sold with the other material of the chandelier, and that said sale be made during the setting of the Legislature that members and Senators alike may have a chance at the purchase.

Be it further resolved, That the Superintendent of the Capital be instructed to make the sale.

Adopted March 15, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

NUMBER 28.

Be it resolved by the House of Representatives, That the thanks of this body be and the same is hereby returned to the President, faculty, and young ladies of Ward's Seminary, for the excellent entertainment given complimentary to the General Assembly on

Friday night, the 22d of March, and that a copy of this resolution be transmitted to the Seminary by the Secretary of State.

Adopted March 23, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

NUMBER 29.

WHEREAS, It is contemplated by the National Prison Association to hold its annual congress for the year 1889, in the city of Nashville; therefore,

Be it resolved by the House of Representatives, That this Representative Hall be and the same is hereby tendered to said association for its use and accommodation during its sittings in this city.

Adopted March 25, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

NUMBER 30.

WHEREAS, The descendants of the soldiers, sailors, and statesmen of the Revolution, resident in Tennessee, being desirous to organize themselves into a society or organization; and,

WHEREAS, The services rendered by their ancestors in the defense of liberty and independence, in behalf of our government, which has become one of the greatest in the world, calls for recognition, the great State of Tennessee, through its Representatives in this body; therefore,

Be it resolved by the House of Representatives, That the Hall of the House of Representatives be and the

same is hereby tendered to them in which to hold their meeting for the organization of said society.

Adopted March 25, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

BENJ. J. LEA,
Speaker of the Senate.

NUMBER 31.

WHEREAS, For many years it has been a matter of constant solicitude on the part of the Legislature of the State to have relieved the crowded condition of the Supreme Court docket, for the middle division of the State, that sometimes amounted to a practical denial of justice to the litigants; and,

WHEREAS, For the first time since the war, said docket has been cleared-so that, at the adjournment of the Supreme Court, at the conclusion of its late term, there was not left remaining a single case undisposed of; and,

WHEREAS, The credit for this happy result is largely due to the members of the Supreme Bench; therefore,

Be it resolved by the House of Representatives, That we congratulate the people of the State upon the fact that the Supreme Court has disposed of all the accumulated business upon its docket, and that litigants may now have their business promptly disposed of.

Be it further resolved, That the thanks of this body are hereby tendered to Chief Justice Turney, and to Associate Justices Caldwell, Folks, Lurton, and Snodgrass, for their earnest and intelligent efforts in this behalf, and that the Clerk furnish each of them with a copy of these resolutions.

Adopted March 25, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

NUMBER 32.

Be it resolved by the House of Representatives, That from and after this date (the 25th inst.), the evening adjournments shall be to 7.30 p. m., and that Monday, Wednesday, and Friday nights, shall be for the consideration of private and local bills and such as may not require a call of the yeas and nays; provided, that the roll may be called, if demanded, on any measure being carried, and that no night sessions shall be held on Saturday night, and this shall be a standing order of the House.

Adopted March 25, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

NUMBER 33.

WHEREAS, This House has learned with sorrow of the death of the Hon. John R. Neal, late Congressman from the Third Congressional District of Tennessee, and former Speaker of our State Senate; therefore,

Be it resolved by the House of Representatives, That the Speaker appoint a committee of five to draft suitable resolutions, and present the same to this House for its adoption.

Adopted March 27, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

NUMBER 34.

Be it resolved by the House of Representatives, That this House has heard with profound regret of the death of the mother of the Hon. B. M. Mace, of Wilson County, and we tender him our heartfelt sympathy in his bereavement.

Adopted March 27, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

NUMBER 35.

Be it resolved by the House of Representatives, That the sum of twelve dollars be paid to John Riley for the hire of hacks for the use of the Committee on Public Grounds and Buildings to convey said committee to the Hermitage.

| | |
|------------------------------------|---------|
| Hire of two hacks, \$5 apiece..... | \$10 00 |
| Pikeage for the same | 2 00 |
| | <hr/> |
| | \$12 00 |

Adopted March 27, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

NUMBER 36.

Be it resolved by the House of Representatives, That Superintendent of the Capitol is hereby directed to sell at public auction at the capitol the chandelier recently removed from the hall, with its ornaments, appurtenances, etc., and the old stove, and immediately after said sale he will pay the proceeds thereof into the Treasury of the State.

Be it further resolved, That immediately after the adoption of this resolution said superintendent shall give four days' notice by advertisement in one of the daily papers published in the city of Nashville of the day and place of sale.

Adopted March 27, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

NUMBER 37.

WHEREAS, It has been made known to this body that the wife of Senator J. A. West, of the First district, has departed this life; therefore,

Be it resolved by the House of Representatives, That we deeply deplore the calamity that has overtaken the Senator in the loss of his life partner, whose life so well exemplified the Christian graces and domestic virtues, and that the members of this House extend their cordial sympathy in this hour of his bereavement both to him and his family.

Be it further resolved, That these resolutions be spread upon the minutes, and a copy presented to the said Senator in commemoration and attestation of the sentiments herein contained.

Adopted March 28, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

NUMBER 38.

Be it resolved by the House of Representatives, That the hearty congratulations of the House be tendered the Hon. E. G. Godwin upon the safe arrival of his grandson, Harry Godwin Armstead. May the little fellow live to gladden the heart of his happy grandfather, and to emulate the virtues which have distinguished him in the useful walks of life, in the social circle, and in the halls of legislation.

Adopted March 30, 1889.

W. L. CLAPP,
Speaker of the House of Representatives.

STATE OF TENNESSEE,
OFFICE OF THE SECRETARY OF STATE, }
NASHVILLE, May 17, 1889.

I, CHARLES A. MILLER, Secretary of State of the State of Tennessee, do hereby certify that I have carefully collated the foregoing Acts and Resolutions, with original copies on file in my office, and find them correctly printed.

CHARLES A. MILLER,
Secretary of State.



CORPORATIONS.

Organized under Chapter 143, Acts of 1875, known as the "Charter Act," and Acts Amendatory, Published Herein by Direction of Section 30 of said Charter Act.

| NAME OF CORPORATION. | County where Registered. | When registered in Secretary of State's Office. | In what Book. | No. of Page. |
|--|--------------------------|---|---------------|--------------|
| Arlington Hotel Company | Montgomery... | Mar. 12, 1887 | J | 120 |
| Athena Street Railroad Company | McMinn | Mar. 17, 1887 | J | 127 |
| Artesian Hotel Company..... | Henry..... | April 20, 1887 | J | 163 |
| Annis Cotton Mills Manufacturing Company..... | Warren..... | April 20, 1887 | J | 164 |
| Alexander Iron Company..... | Davidson | April 23, 1887 | J | 168 |
| Automatic Level Company..... | Davidson..... | April 25, 1887 | J | 170 |
| Africo Co-operative Association..... | Davidson..... | July 13, 1887 | J | 215 |
| Aldrich Sewing Machine Company..... | Shelby..... | Sept. 16, 1887 | J | 247 |
| Arctic Ice Company..... | Montgomery... | Sept. 19, 1887 | J | 245 |
| Athens Furniture Company..... | McMinn | Nov. 18, 1887 | J | 278 |
| American Ice & Cold Storage Company | Lincoln | Dec. 22, 1887 | J | 298 |
| Arctic Refrigerating Company..... | Davidson..... | Jan. 18, 1888 | J | 302 |
| Amateur Building Athletic Company..... | Shelby..... | Feb. 23, 1888 | J | 317 |
| Alban Dental & Surgical Company..... | Shelby..... | April 7, 1888 | J | 336 |
| American Mill Company..... | Davidson..... | May 10, 1888 | J | 359 |
| American Pneumatic Railway Company..... | Davidson..... | Jan. 17, 1887 | K | 659 |
| American Sanitary Company..... | Davidson..... | Mar. 3, 1887 | K | 692 |
| Alpha Knights No. 1 of Fifteenth District..... | Davidson..... | June 1, 1887 | O | 34 |
| Allin Tythe Association | Hamilton..... | June 23, 1887 | O | 35 |
| Aurora Lodge No. 105 Independent Order of Odd Fellows..... | Davidson..... | Oct. 13, 1888 | O | 81 |
| Adjustable Calk Horse Shoe Company..... | Shelby..... | Dec. 27, 1888 | O | 93 |
| Anderson Manufacturing Company..... | Shelby..... | Feb. 8, 1887 | N | 18 |
| Athens Mining & Manufacturing Company..... | McMinn..... | April 13, 1887 | N | 24 |
| Angle Teutonia Building & Loan Association..... | Shelby | July 15, 1887 | N | 42 |
| American Mutual Accident Association..... | Davidson | July 28, 1887 | N | 46 |
| Athens Building & Loan Association..... | McMinn..... | Sept. 15, 1887 | N | 48 |
| Ashley Bromine and Artesian Spring Company. | Sullivan..... | June 2, 1888 | N | 86 |
| Artesian Water Company..... | Shelby..... | June 9, 1887 | P | 1 |
| Association of Confederate Soldiers..... | Davidson..... | Dec. 7, 1887 | P | 85 |
| Alexandria Roller Mill Company..... | DeKalb | Feb. 27, 1888 | P | 135 |
| Arno Academy..... | Hamilton..... | April 12, 1888 | P | 181 |
| American Detective & Merchants' Police Bureau.... | Davidson..... | May 15, 1888 | P | 202 |
| American Electric Light & Power Company..... | Davidson..... | Oct. 16, 1888 | P | 257 |
| Asheville Land Company..... | Knox | Dec. 10, 1887 | Q | 13 |
| American Colonization & Transportation Company. | Davidson..... | Jan. 2, 1888 | Q | 15 |
| Arsenal Company..... | Knox | Dec. 10, 1888 | Q | 36 |
| American & European Investment Company..... | Hamilton..... | Sept. 9, 1887 | Q | 6 |
| Ashland City & Nashville Dummy Railway Co..... | Cheatham..... | Mar. 27, 1888 | S | 61 |
| Atlantic & Pacific Railway Company | Knox..... | May 25, 1888 | S | 113 |
| Athens Knitting Company..... | McMinn | May 17, 1888 | T | 9 |
| Athurg Coal, Coke, & Mining Company..... | Morgan..... | June 13, 1888 | T | 23 |
| Acme Gold Mining & Milling Company..... | Hamilton | June 26, 1888 | T | 41 |
| Atoka Creamery Company..... | Tipton..... | July 23, 1888 | T | 59 |
| Argus Publishing Company..... | Hamilton | Aug. 25, 1888 | T | 75 |
| Aldrich Sewing Machine Company..... | Shelby..... | Oct. 26, 1888 | T | 115 |
| Atwood Gin Company..... | Carroll..... | Dec. 14, 1888 | T | 141 |
| Bluff City Manufacturing Company | Shelby | Jan. 10, 1887 | J | 68 |
| Brownport, Cedar Creek, Tenn., Iron & Mfg. Co.... | Shelby | Jan. 10, 1887 | J | 69 |
| Bluff City Brick & Manufacturing Company..... | Shelby | April 19, 1887 | J | 162 |
| Ben on Mineral Springs Hotel..... | Polk..... | April 21, 1887 | J | 166 |
| Butt Mountain Coal Company..... | Anderson | Aug. 29, 1887 | J | 241 |
| Bartlett Mill & Manufacturing Company..... | Shelby | Sept. 30, 1887 | J | 251 |

| NAME OF CORPORATION. | County where Registered. | When registered in Secretary of State's Office. | In what Book. | No. of Page. |
|--|--------------------------------|--|---------------------|-----------------|
| Brighton Milling Company..... | Tipton | Nov. 9, 1887 | J | 270 |
| Building, Savings, and Loan Association..... | Coffee..... | Jan. 16, 1888 | J | 300 |
| Bank of McKenzie..... | Carroll..... | Feb. 9, 1888 | J | 311 |
| Brownsville Canning Company..... | Haywood..... | Mar. 31, 1888 | J | 333 |
| Bell Manufacturing Company..... | Shelby..... | April 13, 1888 | J | 340 |
| Bluff Chapel School House..... | Decatur..... | Feb. 3, 1887 | K | 676 |
| Bon Aqua Improvement Company..... | Hickman..... | Feb. 18, 1887 | K | 684 |
| Byrdstown Academy..... | Pickett..... | Jan. 11, 1887 | O | 5 |
| Brethron from B May Chein..... | Hamilton..... | May 11, 1888 | O | 69 |
| Bear Creek Turnpike Company..... | Maury..... | July 11, 1887 | N | 40 |
| Bristol Goodson Electric Light & Power Company... | Sullivan..... | Nov. 23, 1887 | N | 54 |
| Bank of Woodberry..... | Cannon..... | Jan. 2, 1888 | N | 69 |
| Base Ball Association..... | Shelby..... | Feb. 8, 1888 | N | 64 |
| Blair Lumber Company..... | Hamilton..... | Mar. 14, 1888 | N | 73 |
| Barcheus Co-operative Trade Store..... | Giles..... | April 18, 1888 | N | 79 |
| Bristol Real Estate and Building Association | Sullivan..... | July 6, 1888 | N | 89 |
| Bank of Gordonsville | Smith..... | Oct. 4, 1888 | N | 94 |
| Big Spring Ice Company | Hamilton..... | Oct. 16, 1888 | N | 96 |
| Bird, Dew & Hale..... | Knox..... | Dec. 12, 1888 | N | 100 |
| Brownsville Canning & Manufacturing Company ... | Haywood..... | Mar. 26, 1888 | P | 172 |
| Boston & Arizona Copper, Mining, & Smelting Co... | Davidson..... | April 9, 1883 | P | 179 |
| Buyers & Factors Press of Memphis, Tenn..... | Shelby..... | June 1, 1888 | P | 211 |
| Bristol & Goodson Water Company..... | Sullivan..... | Aug. 14, 1888 | P | 237 |
| Brownsville Water Works Company..... | Haywood..... | Nov. 2, 1888 | P | 263 |
| Banks & Blair Company..... | Shelby..... | Nov. 26, 1888 | P | 274 |
| Breckenridge Cannel Coal Company | Scott..... | Aug. 30, 1888 | J J | 16 |
| Beene Land & Improvement Company..... | Marion..... | Sept. 24, 1887 | Q Q | 8 |
| Bradt Printing Company..... | Hamilton..... | Nov. 12, 1887 | Q Q | 11 |
| Beaumont Real Estate Company | Knox..... | Jan. 5, 1888 | Q Q | 16 |
| Bartliff Manufactring Company..... | Shelby..... | Nov. 28, 1887 | Q | 8 |
| Bank of Carroll..... | Carroll..... | Feb. 8, 1888 | R | 14 |
| Bayou & Gayoso Street Railway & Improvement Co. | Shelby..... | Dec. 27, 1888 | R | 26 |
| Bon Air Railway..... | White..... | Nov. 28, 1887 | S | 6 |
| Belmont & Harpeth River Railway | Davidson..... | Mar. 7, 1888 | S | 41 |
| Big Creek Gap Railroad Company..... | Campbell..... | Sept. 10, 1888 | S | 161 |
| Bristol & Nashville Railway Company..... | Sullivan..... | Dec. 10, 1887 | S | 177 |
| Bradford Timber & Land Company | Davidson..... | June 7, 1888 | T | 19 |
| Cobweb Club..... | Hamilton..... | Mar. 21, 1888 | O | 58 |
| Cassitt Library..... | Shelby..... | April 6, 1888 | O | 62 |
| Central Republican Club..... | Davidson..... | Aug. 20, 1888 | O | 75 |
| Capital Club..... | Davidson..... | Oct. 15, 1888 | O | 82 |
| Children's Endowment Society..... | Davidson..... | Oct. 30, 1888 | O | 85 |
| Clarksville Building & Loan Association..... | Montgomery... | Jan. 20, 1887 | N | 12 |
| Citizen's Gas Company..... | Madison..... | Nov. 7, 1887 | N | 53 |
| Curlin Marvin Velocipede Manufacturing Co..... | Obion..... | Dec. 9, 1887 | N | 55 |
| Chattanooga Publishing Company..... | Hamilton..... | Feb. 16, 1888 | N | 66 |
| Chattanooga Wood Split Pulley Company | Hamilton..... | Mar. 3, 1888 | N | 71 |
| Cleveland Building, Loan, & Improvement Ass'n... | Bradley..... | Mar. 3, 1888 | N | 72 |
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| McMinnville & Woolen Mills Turnpike Company | Warren | Jan. 11, 1887 | J | 71 |
| Memphis Carriage Works | Shelby | Feb. 4, 1887 | J | 90 |
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| Midland Insurance Company of Memphis | Shelby | Feb. 19, 1887 | J | 101 |
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| Morristown Land & Improvement Company | Hamblen | April 25, 1887 | J | 172 |
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| Maryville Woolen Mills | Blount | June 9, 1887 | J | 203 |
| Memphis Canning & Packing Company | Shelby | June 23, 1887 | J | 208 |
| Mexican Telegraph & Telephone Company | Davidson | June 25, 1887 | J | 210 |
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| Memphis Dairy Company | Shelby | Oct. 28, 1887 | J | 264 |
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| Morristown Manufacturing Company | Hamblen | Nov. 19, 1887 | J | 274 |
| Morristown Alarm Bell Company | Hamblen | Nov. 28, 1887 | J | 280 |
| Memphis Training School for Nurses | Shelby | Dec. 8, 1887 | J | 284 |
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| Manufacturers' Mutual Fire Insurance Company | Davidson | Feb. 1, 1887 | O | 12 |
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| Memphis Grocery Company | Shelby | April 28, 1887 | N | 29 |
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| Milan Building & Loan Association | Gibson | Oct. 18, 1887 | N | 51 |
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